The Madras City Municipal Corporation Act, 1919

Act 4 of 1919

Keyword(s): Budget Grant, Building-Line, Carriage, Cart, Casual Vacancy, Cheri, City of Madras, Company, Councilor, Cream, Dairy, Dairyman, Dairy Produce, Dangerous Disease, Filth, Food, Hut, Latrine, Local Authority, Milk, Nuisance, Ordinary Vacancy, Private Street, Public Street, Public Water-Courses, Railway, Reconstruction, Residence, Rubbish, Scavenger, StreetAlignment, Water-Course


DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.
THE MADRAS CITY MUNICIPAL CORPORATION
ACT, 1919.

TABLE OF CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.—PRELIMINARY.

SECTIONS.

1 Title and extent.
2 Repeal of enactments.
3 Definitions.

PART II.—CONSTITUTION AND GOVERNMENT OF THE CORPORATION.

CHAPTER II.—THE MUNICIPAL AUTHORITIES.

4 Enumeration of authorities.
5 Constitution of council.
6 [Omitted.]
6-A Constitution of standing committees.
6-B Election of standing committees.
6-C Term of office of chairman of a standing committee.
6-D Powers and duties of the standing committees and sanction of staff for standing committees.
6-E Additional standing committees.
6-F [Substituted.]
6-G [Substituted.]
7 Commissioner, assistant commissioners and personal assistant to the commissioner.
The Several Authorities.

The Commissioner.

8 Withdrawal of Commissioner from office.
9 Powers of Commissioner and Assistant Commissioners.
10 Custody of records.
11 Extraordinary powers of Commissioner.
12 [Omitted.]
13 Salary of Commissioner, Assistant Commissioners and Personal Assistant to the Commissioner.
14 [Omitted.]
15 Service regulations of Commissioner, Assistant Commissioner and Personal Assistant to the Commissioner.
16 Delegation of Commissioner's ordinary powers.
16-A Delegation of Commissioner's power to the Assistant Commissioner.
17 Reservation of control in respect of powers delegated.
18 Delegation of Commissioner's extraordinary powers.

[Sub-heading omitted.]

19 [Omitted.]
20 [Omitted.]
21 Construction of references to standing committee.
22 Delegation of powers to Commissioner by standing committees.

The Council.

23 Functions of council.
24 Obligation laid on remaining municipal authorities to carry out resolutions or orders of council.
25 Duties and powers of individual Councillors and aldermen.
SECTIONS.
25-A Mayor, Deputy Mayor, Councillor not to receive remuneration.

26 Requisitions by council or a standing committee for Commissioner's records.

27 Council's power to call for records of committees.

27-A Appointment of joint committee.

Provisions common to the Council and the Standing Committees.

28 Election of Mayor and Deputy Mayor.

29 Term of office of Mayor and Deputy Mayor.

30 Mayor and Deputy Mayor ineligible for re-election.

31 Rules and regulations for proceedings of council and standing committees.

32 Presidency of council and standing committees.

33 Commissioner when to attend meetings.

34 Councillors and aldermen to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

35 Resignations.

36 Saving of validity of proceedings.

The Mayor.

37 Prerogative of the Mayor.

38 Mayor to be member of all committees.

The Deputy Mayor.

38-A Functions of Deputy Mayor.

Administration Report.

39 Submission of administration report to State Government:
Powers of the State Government.

Sections.
40 State Government's power to call for records.
41 State Government's power to cause inspection to be made.
42 State Government's power to direct the taking of action.
43 State Government's power to appoint a person to take action in default at expense of corporation.
44 Power to suspend or cancel resolution, etc., under this Act.
44-A State Government's power to dissolve or supersede the corporation.
44-B Appointment of Special Officer in cases where ordinary elections are not held in time.

Chapter III.—Election and Appointment of Councillors.

Qualifications and Disqualifications of Voters, Candidates and Councillors.

45 One hundred and fifty divisions.
46 Number of councillors for each division.
46-A Mode of election.
46-B [Omitted.]
47 Electoral rolls for divisional seats other than labour seats.
48 Publication of electoral rolls, etc.
49 [Omitted.]
50 Disqualification of voters.
51 Qualification of candidates.
52 Disqualification of candidates.
53 Disqualification of councillors and aldermen.
53-A Oath or affirmation to be made by councillors.
54 Decision of questions of disqualification of councillors and aldermen by the Chief Judge of Small Cause Court.

125-13—2A
General Rules for Election and Co-option.

Sections.

55 Term of office of councillors.
55-A Election of elected councillors.
55-B Special Officer to make arrangements for elections.
56 Procedure on failure of election.
56-A Procedure in case of equality of votes.
56-B [Omitted.]
56-C [Omitted.]
57 Election of same person for more than one division.
58 Notification of elections and co-options.
59 Power of State Government to make election rules.
60 and 61 [Omitted.]

Election Offences.

62 to 65 [Omitted.]
66 Infringement of secrecy of election.
66-A Minimum penalty for personation at an election.
66-B Promoting enmity between classes in connection with election.
66-C Prohibition of public meetings on the day preceding the election day and on the election day.
66-D Disturbances at election meetings.
66-E Restrictions on the printing of pamphlets, posters, etc.
66-F Officers, etc., at elections not to act for candidates or to influence voting.
Sections.

66-G Prohibition of canvassing in or near polling stations.

66-H Penalty for disorderly conduct in or near polling stations.

66-I Penalty for misconduct at the polling station.

66-J Penalty for illegal hiring or procuring of conveyances at elections.

66-K Breaches of official duty in connection with election.

66-L Removal of ballot papers from polling station to be an offence.

66-M Other offences and penalties therefor.

66-N Prosecution regarding certain election offences.

67 to 70 [Omitted.]

71 Order of disqualification.

Requisitioning of property for election purposes.

71-A Requisitioning of premises, vehicles, etc., for election purposes.

71-B Payment of compensation.

71-C Power to obtain information.

71-D Powers of entry into and inspection of premises, etc.

71-E Eviction from requisitioned premises.

71-F Release of premises from requisition.

71-G Delegation of functions of the State Government with regard to requisitioning.

71-H Penalty for contravention of any order of requisitioning.
CHAPTER IV.—GENERAL POWERS OF MUNICIPAL AUTHORITIES
AS TO PROPERTY, CONTRACTS, ESTABLISHMENT.

Property.

Sections.
72 [Omitted.]
73 Limitation of power to accept property
in trust.
74 Acquisition of property and interests
therein.
75 Disposal of property and interests
therein.
76 Procedure for acquisition of immovable
property under the Land Acquisition
Act, 1894.
76-A Objects not provided for by this Act.

Contracts.

77 Power of council to determine whether
works shall be executed by contract.
78 Power of several authorities to sanction
estimates.
79 Works costing more than two lakhs of
rupees.
80 General provisions regarding contracts.
81 Mode of making contracts.
82 Invitation of tenders.
83 Saving of certain irregularities.
84 Security for performance of contracts.
85 Corporation establishment.
86 Conditions of service of corporation
establishment.
87 Time within which vacancy in certain
posts must be filled up.
Contracts—cont.

SECTIONS.

88 Leave, pensionary and leave contributions of certain officers.

89 Power of State Government to appoint special health officers.

90 Establishment Schedule.

91 Commissioner controls corporation establishment.

92 Power to grant leave to establishment.

93 [Omitted.]

94 [Repealed.]

95 [Repealed.]

96 Provincialisation of any class of officers or servants under the corporation.

97 Power of State Government to transfer officers and servants of the corporation or municipalities.

PART III.—TAXATION AND FINANCE.

CHAPTER V.—TAXATION.

Enumeration of Taxes.

98 Enumeration of taxes and duties.

98-A Powers of control of State Government.

The Property Tax.

99 Description and class of property tax.

100 Method of assessment of property tax.

101 General exemptions.

102 Special exemptions and alternative bases of property tax.

103 Property tax, a first charge on property and moveables.
The Property Tax—cont.

Sections.

104 Property tax when payable.
105 Vacancy remission.
106 Obligation of transferor and transferee to give notice of transfer.
107 Owner's obligation to give notice of construction or reconstruction or demolition of building.
108 Remission of tax in areas included or excluded in the middle of a half-year.
108-A Power of commissioner to condone omission to give notice.
109 Commissioner's power to call for information and to enter upon premises.

Tax on Companies.

110 Taxation of companies trading for sixty days in half-year on their capital.

Profession Tax.

111 Tax on professions, arts, callings, business and appointments.
112 Liability of member of firm or undivided family for profession tax.

Provisions common to Companies' and Profession Tax.

113 Payment when due and notice to pay.
113-A Statements, returns, etc., to be confidential.
114 Requisition on owner or occupier to furnish list of persons liable to tax.
115 Requisition on employers or their representatives to furnish list of persons liable to tax.
Tax on Carriages and Animals.

Sections.

116 General provisions regarding tax on carriages and animals.

117 Liability to tax according to period for which carriage or animal has been kept.

118 Exemptions.

119 Composition.

120 Requisition on occupier to furnish statement of persons liable to tax.

120-A Forms to be sent to and returned by tax payers.

121 Grant of licence on payment of tax.

122 Power to require numbers to be affixed to carriages.

123 Obligation of Commissioner of Police to satisfy himself of payment of municipal tax on hackney carriage before registering it.

Tax on Carts.

124 General provisions regarding cart-tax

125 Exemptions.

126 Power to remit tax on cart kept for less than fifteen days or not used.

Power to seize Carriages and Carts not bearing numbers.

127 Seizure of vehicles not bearing numbers.

128 Procedure after seizure.

Tax on timber.

129 Tax on timber.
Tax on Advertisements.

Sections.

129-A Tax on advertisements.

129-B Prohibition of advertisements without written permission of commissioner.

129-C Permission of the commissioner to become void in certain cases.

129-D Owner or person in occupation to be deemed responsible.

129-E Removal of unauthorized advertisements.

129-F Collection of tax on advertisements.

[Heading omitted.]

130 to 134 [Omitted.]

Duty on Transfers of Property.

135 Method of assessment of duty on transfers of property.

136 Provisions applicable on the introduction of transfer duty.

137 Power to make rules regarding assessment and collection of transfer duty.

General Provisions.

137-A Power to exempt from taxes.

137-B Power to assess in case of escape from assessment.

138 Rules in Schedule IV.
CHAPTER VI—FINANCE.

The Municipal Fund.

Sections.

139 Definition of municipal fund.
140 Audit of accounts.
141 Financial rules.
141-A Contributions to expenditure by other local authorities.

Loans.

142 Power of corporation to borrow money.
143 Time for repayment of money borrowed under section 142.
144 Limit of borrowing powers.
145 Form and effect of debentures.
146 Payment to survivors of joint payees.
147 Receipt by joint holder for interest or dividend.
148 Maintenance and investment of sinking funds.
149 Application of sinking fund.
150 Annual statement by trustees.
151 Power of corporation to consolidate loans.
152 Priority of payments for interest and repayment of loans over other payments.
153 Attachment of municipal fund for recovery of money borrowed from Government.
Budget.

Sections:

154 Estimates of expenditure and income to be prepared annually by the commissioner.

155 Consideration of the budget estimate by the council.

156 Procedure of council.

157 Obligation to pass the budget before the fifteenth day of March of the year.

158 Failure of the council to pass the budget before the due date.

159 Council may pass supplemental budget.

160 [Omitted.]

161 Reduction or transfer of budget grants.

162 Readjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.

Part IV.—Public Health, Safety and Convenience.

Chapter VII.—Water-supply, Lighting and Drainage.

Public Water-supply.

163 Vesting of works in corporation.

164 Construction of water-works.

165 Provision of gratuitous supply of drinking water.

166 Trespass on water-supply premises.

167 Prohibition of building over water-mains.
Private Water-supply.

Sections.

168 Control over house-connexion.

169 Private water-supply for domestic consumption and use and powers of Commissioner to enforce provision of water-supply.

Private Water-supply for non-domestic purposes.

170 Commissioner's power to supply water for non-domestic purposes at rates fixed by standing committee.

Supply in special cases.

171 Supply to local authorities.

Cost of making the connexion, etc.

171-A Cost of making house connexion and of meter.

Cutting off Water-supply.

172 Power to cut off water-supply.

173 Non-liability of Corporation when supply reduced or not made in certain cases.

Lighting.

174 Provision for lighting public street, etc.

Public Drainage.

175 Vesting of drains in corporation.

176 Maintenance of system of drainage by the Corporation.

Private Drainage.

177 Control over house-drains, privies and cess-pools.

178 Connexion of house-drains with public drains.
Sections:

179 Commissioner's power to drain premises in combination.

180 Commissioner's power to close or limit the use of existing private drains.

181 Building, etc., not to be erected without permission, over drains.

182 Construction of culverts by owner or occupier.

183 Maintenance of troughs and pipes for catching water.

Public Latrines.

184 Provision of public latrines.

185 Licensing of public latrines.

Private Latrines.

186 Provision of latrines by owner or occupier.

187 Provision of latrines and urinals for labourers.

188 Provision of latrines and urinals for markets, cart-stands and cattle-stands.

189 Latrines to be screened from view.

General Powers.

190 Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.

191 Prohibition against making connexion without permission.
Sections:
192 Power to require railway level, etc., to be raised or lowered.
193 Powers of Corporation in respect of works outside the city.

Chapter VIII.—Scavenging.
194 Provision for removal of rubbish and filth.
195 Public notice ordering deposit of rubbish and filth by occupier.
196 Removal of rubbish and filth accumulating in large quantities on premises.
197 Contract with owner or occupier for removal of rubbish and filth.
198 Provision for daily cleansing of streets and removal of rubbish and filth.
199 Rights of property of Corporation in things deposited in receptacles.
200 Directions as to removal of rubbish and filth.
201 Maintenance of establishment for removal of rubbish and filth.
202 (1) Prohibition against accumulation of rubbish or filth on premises.
(2) Prohibition against irregular methods of depositing rubbish or filth.
(3) Prohibition of improper disposal of carcasses, rubbish and filth.
Sections:

(4) Prohibition against keeping rubbish or filth for more than twenty-four hours, or in unauthorized place or manner.

(5) Prohibition against allowing sewage to flow in streets.

202-A Contributions from persons having control over places of pilgrimage, etc.

Chapter IX.—Streets.

Public Streets.

203 Vesting of public streets and their appurtenances in Corporation.

204 Maintenance and repair of streets.

205 Powers of authorities in regard to streets.

206 Power to dispose of permanently closed streets.

207 Acquisition of land and buildings for improvement of streets.

208 Power to prescribe building line and street alignment.

209 Restrictions on erection of, or addition to, buildings within street alignment or building line.

210 Setting back projecting buildings or walls.

211 Setting forward buildings to improve line of street.

212 Projected streets.

213 Temporary closure of streets.

214 Protection of appurtenances and materials of streets.

214-A Power of the Corporation to recover expenses caused by extraordinary traffic.
Sections.

215 Owner's obligation to make a street when disposing of land as building sites.

216 Making of new private streets.

217 Alteration or demolition of street made in breach of section 216.

218 Power of commissioner to order work to be carried out or to carry it out himself in default.

219 Right of owners to require streets to be declared public.

Encroachments on Streets.

220 Prohibition against obstructions in streets.

221 Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

222 Removal of encroachments.

223 Power to allow certain projections and erections.

223-A Power of council to set up hoardings and levy fees.

224 Precautions during repair of streets.

225 Prohibition against removal of bars and lights.

226 Making holes and causing obstruction.

227 Licence for work on buildings likely to cause obstruction.

Naming Streets and Numbering Buildings.

228 Naming or numbering of public streets.

229 Numbering of buildings.

125–13—3
CHAPTER X.—BUILDING REGULATIONS.

SECTIONS.

General Powers.

230 Building rules.

231 Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.

232 Buildings at corner of streets.

233 Prohibition against use of inflammable materials for buildings, etc., without permission.

Buildings other than huts.

234 Application to construct or reconstruct building.

235 Necessity for prior approval of the site.

236 Prohibition against commencement of work without permission.

237 Period within which commissioner is to signify approval or disapproval.

238 Period within which commissioner is to grant or refuse to grant permission to execute work.

239 Reference to standing committee if commissioner delays grant or refusal of approval or permission.

240 Grounds on which approval of site for, or permission to construct or reconstruct building, may be refused.

241 Special powers for suspending permission to construct buildings.

242 Lapse of permission if not acted upon within one year.

243 Inspection by commissioner.
Sections.

244 Power of commissioner to require alteration of work.

244-A Power of commissioner to impose penalty in the case of unauthorized constructions or alterations.

245 Stoppage of work endangering human life.

246 Above provisions not applicable to huts.

246-A Demolition of buildings.

Wells.

247 Application of certain sections to wells.

Huts.

248 Application to construct or reconstruct huts.

249 Prohibition against commencement of work without permission.

250 Period within which commissioner is to grant or refuse to grant permission to execute the work.

251 Reference to standing committee if commissioner delays grant or refusal of permission.

252 Grounds on which permission to construct or reconstruct hut may be refused.

253 Lapse of permission if not acted upon within six months.

External walls, alterations and additions.

254 Maintenance of external walls in repair.

255 Application of provisions to alterations and additions.
Powers of Commissioner.

Sections.

256 Demolition or alteration of building or well-work unlawfully commenced, carried on or completed.

256-A Power of commissioner to direct removal of persons directing or carrying on construction of buildings, etc.

Exemptions.

257 Exemptions.

Chapter X-A.—Cheris or Hutting Grounds.

Preliminary.

257-A Power of standing committee to define and alter limits of cheris or hutting grounds.

Improvement of cheris or hutting grounds.

257-B Power of commissioner to require owner of cheri or hutting ground to carry out certain improvements.

257-C Power of commissioner to require preparation of standard plan by owner of cheri or hutting ground.

257-D Preparation of standard plan by commissioner where owners disagree, etc.

257-E Suspension of building pending preparation of standard plan.

257-F Prohibition of building contrary to standard plan.

257-G Power of commissioner to require removal of building or hut not in conformity with standard plan.
Sections.

257-H Power of commissioner to require carrying out of other improvements in conformity with standard plan.

257-I Inspection report and preparation of standard plan by registered medical practitioner and engineer, in cases requiring expedition.

257-J Approval by standing committee of standard plan and Schedules annexed to report.

257-K Power of commissioner to require owners to carry out improvements specified in Schedule A.

257-L Payment of expenses incurred in carrying out improvements.

257-M Disposal by the commissioner of materials of buildings or huts pulled down.

257-N Power of standing committee to direct commissioner to purchase or acquire building or land in chéri or hutting ground.

257-O Application of sections 257-I to 257-H to chéri or hutting ground for which standard plan has been approved under section 257-J.

257-P Alternative power of commissioner to make standard plan, to purchase or acquire chéri or hutting ground and to carry out improvements himself or through purchaser or lessee.

257-Q Proportions of area of chéri or hutting ground to be shown in standard plan as streets, passages and open lands.

257-R Regulation of plots by standard plan and compensation for adjustments of plots.
**Sections.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>257-s</td>
<td>Streets and passages shown in standard plan, if not public streets, to remain private.</td>
</tr>
<tr>
<td>257-t</td>
<td>Bathing arrangements and privy accommodation in cheri or hutting ground as shown in standard plan, to be kept open for use of tenants.</td>
</tr>
<tr>
<td>257-u</td>
<td>Owner of land in cheri or hutting ground to maintain certain conveniences on his land.</td>
</tr>
<tr>
<td>257-v</td>
<td>Right of owner of land and owner of building or hut, over streets, land and drains shown in standard plan.</td>
</tr>
<tr>
<td>257-w</td>
<td>Cheri or hutting ground, when to be deemed a remodelled cheri or hutting ground.</td>
</tr>
<tr>
<td>257-x</td>
<td>Power of owner to take land out of the category of cheri or hutting ground in certain cases.</td>
</tr>
</tbody>
</table>

**Cheri or hutting ground streets.**

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>257-y</td>
<td>Power of standing committee to prescribe alignments for cheri or hutting ground streets.</td>
</tr>
<tr>
<td>257-z</td>
<td>Power of commissioner to require removal of existing huts within street or hut alignment in cheri or hutting ground.</td>
</tr>
<tr>
<td>257-aa</td>
<td>Power of commissioner to require space to be kept between masonry building in cheri or hutting ground and centre line of cheri or hutting ground street.</td>
</tr>
<tr>
<td>257-bb</td>
<td>Application of provisions of this Chapter to alterations or additions.</td>
</tr>
</tbody>
</table>
CHAPTER XI.—NUISANCES.

Dangerous Structures, Trees and Places.

Sections.

258 Precautions in case of dangerous structures.

259 Precautions in case of dangerous trees.

260 Precautions in case of dangerous tanks, wells, holes, etc.

261 Precautions against fire.

Control over waters, etc.

262 Prohibition of construction of wells, tanks, etc., without the commissioner's permission.

263 Power to stop dangerous quarrying.

264 Power to order filling in of pools, etc., which are a nuisance and regulation of agriculture within city.

265 Power to order cleansing of insanitary private water-course, spring, tank, well, etc., used for drinking.

266 Duty of commissioner in respect of public well or receptacle of stagnant water.

267 Prohibition against or regulation of washing animals or clothes or fishing in river or estuary.

268 Prohibition against contaminating watersupply.

Control over abandoned lands, untrimmed hedges, etc.

269 Untenanted buildings or lands.

270 Removal of filth or noxious vegetation.

270-a Abatement of nuisance from dust, smoke, etc.
Sections.

271 Fencing of buildings or lands and pruning of hedges and trees.

Control over Insanitary Buildings.

272 Lime-washing and cleansing of buildings.

273 Further powers with reference to insanitary buildings.

274 Buildings unfit for human habitation.

275 Abatement of overcrowding in dwelling-house or dwelling-place.

General.

276 Power of commissioner to use or sell materials of dangerous building taken down, etc.

277 Limitation of compensation.

Chapter XII.—Licences and Fees.

General Provision as to Licences.

278 Exemption of Government from taking out licences.

Lodging Houses.

279 Prohibition in respect of lodging houses.

Keeping of animals and birds.

280 Prohibition in respect of keeping animals and birds and feeding animals.

281 Destruction of stray pigs and dogs.

282 Licences for places in which animals are kept.

283 General powers of control over stables, cattle-sheds and cow-houses.
Sections.

284 Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

Landing places, cart-stands, etc.

285 Provision of landing places, cart-stands, etc.

285-A Prohibition of use of public place or sides of public street as cart-stand, etc.

285-B Recovery of cart-stand fees, etc.

285-C Licence for private cart-stand.

Carcasses of animals.

286 Removal of carcasses of animals.

Industries and Factories.

287 Purposes for which places within the limits of the city or within three miles thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.

288 Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

289 Commissioner may issue directions for abatement of nuisance caused by steam or other power.

289-A Power of commissioner to require owner of factory, workshop, etc., to put and maintain the factory, workshop, etc., in a cleanly state.

289-B Power of commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory, etc.
Sections.

289-C Commissioner may enter any factory, workshop or work place.

289-D Power of State Government to pass orders or give directions to commissioner.

290 [Omitted.]

Washing and Bathing.

291 Provision of places for bathing and for washing animals.

292 Provision of public bathing-houses, wash-houses, etc.

293 Prohibition against washing by washermen at unauthorized places.

Slaughter-houses.

294 Provision of municipal slaughter-houses.

295 Licence for slaughter-houses.

296 Slaughter of animals during festivals and ceremonies.

297 Slaughter of animals for sale or food.

298 Slaughter of animals for religious ceremony.

The Milk Trade.

299 Regulation of milk trade.

Markets, Butchers' Shops, etc.

300 Public markets.

301 Powers of municipal authorities in respect of public markets.

302 Commissioner's control over public markets.
Establishment of private markets.

304 Licensing of private markets.

304-A Period of licence.

304-B Licence fee for private markets.

305 Sale in unlicensed private market.

306 Powers of commissioner in respect of private markets.

307 Suspension or refusal of licence in default.

308 Power of commissioner to make regulations for markets, bazaars, slaughterhouses and places set apart for sacrifice of animals.

308-A Acquisition of rights of private persons to hold private markets.

308-B Duty of expelling lepers, etc., from markets and power to expel disturbers.

309 Butcher’s, fishmonger’s and poulterer’s licence.

310 Power to prohibit or regulate sale of animals, birds or articles in public streets.

310-A Decision of disputes as to whether places are markets.

Inspection of places for sale, etc.

311 Duty of commissioner to inspect.

312 Powers of commissioner for purposes of inspection.

313 Preventing inspection by commissioner.

314 Power of commissioner to seize diseased animal, noxious food, etc.

315 Removing or interfering with articles seized.

316 Power to destroy article seized.
Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.

Disposal of the dead.

Registration or closing of ownerless places for disposal of the dead.

Licensing of places for disposal of the dead.

Provision of burial and burning grounds and crematoria within or without the city by the corporation.

Register of registered, licensed and provided places and prohibition of use of other places.

Report of burials and burnings.

Prohibition against making of vault or grave in place of worship.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

Prohibitions in respect of corpses.

Fencing, etc., of private burial ground.

Grave-digger’s licence.

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASE.

Vital Statistics.

Compulsory registration of vital statistics

Dangerous Diseases.

Power to notify “dangerous disease.”
Sections.

330  Obligation of medical practitioner or owner or occupier to report dangerous disease.

331  Power of entry into suspected places.

Prevention of Infection.

332  Provision of conveyances for carriage of patients.

333  Power to order removal of patients to hospital.

334  Disinfection of buildings and articles.

335  Destruction of huts and sheds when necessary.

336  Provision of places for disinfection and power to destroy infected articles.

337  Prohibition against transfer of infected articles.

337-A  Prohibition against infected person carrying on occupation.

338  Prohibition against diseased person entering public conveyance.

339  Disinfection of public conveyance after carriage of patients.

340  Letting of infected buildings.

341  Power to order closure of places of public entertainment.

342  Minor suffering from dangerous disease not to attend school.

343  Provision as to library books.

343-A  Power of commissioner to prohibit use of water likely to spread infection.

Smallpox.

344  Compulsory vaccination.
PART V.—SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and Schedules.

347 Power of State Government to make rules.
348 Making of rules after previous publication.

By-laws.

349 Power of council to make by-laws.
350 Power to give retrospective effect to certain by-laws.
351 Penalty for breaches of by-laws.
352 Confirmation of by-laws by State Government.
353 Conditions precedent to making of by-laws.

Rules in lieu of by-laws.

353-A Power of State Government to make rules in lieu of by-laws.

Publication of Rules, By-laws and Regulations.

354 Publication of by-laws or rules.
355 Publication of regulations.
356 Exhibition of by-laws, rules and regulations.
CHAPTER XV.—Penalties.

SECTION

357 General provisions regarding penalties specified in the Schedules.

358 (1) Penalty for voting when pecuniarily interested or acting as councillor or as alderman when not entitled, etc.

(2) Penalty for acting as Mayor or Deputy Mayor when not entitled, etc.

(3) Penalty for failure to hand over documents, etc., by Mayor or Deputy Mayor.

359 Penalty for acquisition by municipal officer of interest in contract or work.

360 Penalty for omission to take out licence for vehicle or animal.

361 Penalty for wilfully preventing distraint.

362 Penalty for unlawful building.

363 (1) Notice to scavengers before discharge.

(2) Penalty for withdrawal of scavengers without notice.

(3) Application of sub-sections (1) and (2) to other municipal servants.

364 Wrongful restraint of commissioner and his delegates.

364-A Penalty for not giving information or giving false information.

PART VI.

CHAPTER XVI.—Procedure and Miscellaneous.

Licences and Permissions.

365 General provisions regarding licences, registrations and permissions.

Appeals.

366 Appeals from commissioner to standing committee.
SECTIONS.

367  Limitation of time for appeal.

Power to summon.

367-A  Power of person conducting election and other inquiries.

[Heading Omitted.]

368  Summons to attend and give evidence or produce documents.

Procedure.

369  Form of notices and permissions.

370  Proof of consent of municipal authorities or municipal officer.

371  Signature on documents.

371-A  Publication of notifications.

372  Publication of order, notice or other document.

373  Publication in newspapers.

373-A  Notice of prohibition or setting apart of places.

Service or Sending of Notices, etc.

374  Method of serving documents.

Relation of Occupier to Owner.

375  Recovery by occupier of sum leviable from owner.

376  Obstruction of owner by occupier.

377  Execution of work by occupier in default of owner.

Commissioner's powers of entry and inspection.

378  Power of entry to inspect, survey or execute the work.
SECTIONS.

379 Power of entry on lands adjacent to works.

Power to enforce licensing provisions.

379-A Consequences of failure to obtain licences, etc., or of breach of the same.

Commissioner's power to execute in default.

380 Time for complying with order and power to enforce in default.

381 Recovery of expenses from persons liable and limitation on liability of occupier.

382 Power of commissioner to agree to receive payment of expenses in instalments.

383 Power to declare expenses on certain work to be improvement expenses.

384 Improvement expenses by whom payable.

385 Redemption of charge for improvement expenses.

386 Relief to agents and trustees.

Payment of compensations, etc., by and to the Corporation.

387 Recovery of sums due as taxes.

388 Determination by Small Cause Court of sums payable.

389 Proceedings before Small Cause Court.

390 Recovery of sums payable by distress.

390-A Limitation for recovery of dues.

390-B Procedure in dealing with surplus sale proceeds.

Provisions regarding Municipal Prosecutions.

391 [Omitted.]

392 Period of limitation for making complaints.
### Sections

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>393</td>
<td>Cognizance of offences.</td>
</tr>
<tr>
<td>394</td>
<td>Imprisonment in default of payment and application of costs, etc.</td>
</tr>
<tr>
<td>395</td>
<td>Payment of compensation for damage to municipal property.</td>
</tr>
</tbody>
</table>

#### Legal Proceedings in General

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>396</td>
<td>Recovery of tax, etc., by suit.</td>
</tr>
<tr>
<td>397</td>
<td>Institution of suits against municipal authorities, officers and agents.</td>
</tr>
<tr>
<td>398</td>
<td>Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.</td>
</tr>
</tbody>
</table>

#### Protecting Clauses

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>399</td>
<td>Indemnity to State Government, municipal authorities, officers and agents.</td>
</tr>
<tr>
<td>400</td>
<td>Liability of commissioner, councillors and aldermen for loss, waste or misapplication.</td>
</tr>
<tr>
<td>400-A</td>
<td>Sanction for prosecution of Mayor, Deputy Mayor, etc.</td>
</tr>
<tr>
<td>401</td>
<td>Assessments, etc., not to be impeached.</td>
</tr>
</tbody>
</table>

#### Police

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>402</td>
<td>Duties of police officers.</td>
</tr>
<tr>
<td>403</td>
<td>Power of police officers to arrest persons.</td>
</tr>
<tr>
<td>404</td>
<td>Exercise of powers of police officer by municipal servants.</td>
</tr>
</tbody>
</table>

#### Miscellaneous

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>405</td>
<td>Application of term 'public servant' to municipal officers, agents and sub-agents.</td>
</tr>
</tbody>
</table>
Prohibition against obstruction of council, standing committee, Mayor, etc.

407 Prohibition against removal of mark.

408 Prohibition against removal or obliteration of notice.

409 Prohibition against unauthorized dealings with public place or materials.

Transitional and Transitory Provisions.

410 Passing of property and rights to corporation as reconstituted.

411 Procedure for recovery of arrears of taxes, etc.

412 [Omitted.]

413 Adjudication of disputes between local authorities.

[Heading omitted.]

414 [Omitted.]

SCHEDULES.

Schedule I. Enactments repealed.

Schedule II. Rules regarding proceedings of the council and committees.

Schedule III. [Omitted.]

Schedule IV. Taxation rules.

Schedule V. Financial rules.

Schedule VI. Purposes for which premises may not under section 287 be used without a licence.

Schedule VII. Ordinary penalties.

Schedule VIII. Penalties for continuing breaches.
[TAMIL NADU] ACT NO. IV OF 1919.

[THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.]

(Received the assent of the Governor on the 26th March 1919 and that of the Governor-General on the 2nd June 1919; the assent of the Governor-General was first published in the Fort St. George Gazette of the 24th June 1919.)

An Act to consolidate and amend the law relating to the Municipal affairs of the City of Madras.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City of Madras and whereas the previous sanction of the Governor-General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows:—

PART I.

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras City Municipal Corporation Act, 1919.

(2) Except as hereinafter expressly provided, it extends only to the City of Madras.

2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof.

—

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969, which came into force on the 14th January 1969.

2 For Statement of Objects and Reasons, See Fort St. George Gazette, dated the 23rd July 1918, pp. 678-680; for Report of the Select Committee, see ibid, dated the 14th January 1919, pp. 1-11; for Proceedings in Council, see ibid, dated the 8th October 1918, pp. 762-778, ibid, dated the 22nd April 1919, pp. 468-472, and ibid, dated the 13th May 1919, pp. 748-797.

3 This word was inserted by section 2 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
3. In this Act, unless there is anything repug- Definitions.

but in the subject or context—

1* [2(1) * * * *

2**(1-A)] "Appoint" includes to appoint tempo-

2"Appoint." temporarily or in an officiating capacity.

(2) "Appointment" includes temporary and offi-

2"Appoint-

cing appointments.

(3) "Budget grant" means any sum entered on

2"Budget the expenditure side of a budget estimate which has

grant." been adopted by the council.

3"Building" includes——

3"Building."

(a) a house, out-house, stable, latrine, godown,

3[(4) "Building" includes—

(a) a house, out-house, stable, latrine, godown,

3"Building." shed, hut, wall (other than a boundary wall not ex-

3"Building." ceeding eight feet in height) and any other structure

whether of masonry, bricks, mud, wood, metal or

3"Building." any other material whatsoever;

(b) a structure on wheels or simply resting

3"Building." on the ground without foundations; and

(c) a ship, vessel, boat, tent, van and any other

3"Building." structure used for human habitation or used for

keeping or storing any article or goods.]

---

1 Clause (1) was omitted by section 3 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 Original clause (1) was renumbered as clause (I-A) and a new clause defining the expression "Adi-Dravida" was inserted as clause (1) by section 3(i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936); clause (1) as so inserted was omitted and clause (I-A) was renumbered as clause (1) by section 2(1) of the Madras City Municipal (Amendment) Act, 1938 (Madras Act II of 1938); clause (1) was again renumbered as clause (I-A) and a new clause defining the expression "Anglo-Indian" was inserted as clause (1) by section 2(i) of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947); and for clause (1) as so inserted, clause (1) was substituted by the Adaptation (Amendment) Order of 1950.

3 This clause was substituted for the original clause (4) by section 3(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
"Building-line."

(5) "Building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend [and beyond which no portion of the building may extend except as prescribed in the building rules].

"Carriage."

2][(6) "Carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the 3[Motor Vehicles Act, 1939 (Central Act IV of 1939)].

"Cart."

(7) "Cart" includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the 3[Motor Vehicles Act, 1939 (Central Act IV of 1939)].

"Casual vacancy."
"Casual election."

(8) "Casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of 4[a councillor 5(* * *) or in any other elective office, and "Casual election" means an election held on the occurrence of a casual vacancy.

"Cheri."
"Hutting ground."

6][(8-A) "Cheri" or "Hutting ground" means an area containing land occupied by, or for the purpose of, any collection of huts, standing on a plot

---

1 These words were added by section 3(ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These clauses were substituted for the original clauses (6) and (7) by amendment No. (1) of Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
3 These words, figures and brackets were substituted for the words and figures "Indian Motor Vehicles Act, 1914" by section 3(iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
4 These words were substituted for the words "a divisional councillor" by section 3(iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
5 The words "or an alderman" were omitted by section 2(1) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
6 This clause was inserted by section 3(iv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
of land, or two or more plots of land which are adjacent to one another, and not less than two thousand four hundred square feet in area.]

(9) "City of Madras" or "City" means the area declared by the [State Government] by notification to be the City of Madras but excludes Fort St. George with the glacis.

2[(9-A) "Company" means any company as "Company." defined in the Companies Act, 1956 (Central Act I of 1956), and includes—

(i) any foreign company within the meaning of section 591 of that Act; and

(ii) any body corporate, or any firm or association carrying on business in the (State of Tamil Nadu) whether incorporated or not and whether its principal place of business is situated in the said State or not.

(9-AA) "Councillor" includes a person co-opted "Councillor." to the council as a councillor.]

4[(9-B) "Cream" means that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force.]

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These clauses were substituted for the original clause (9-A) by section 3(iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

4 Clauses (9-B), (9-D) and (9-E) were inserted by section 3 (v) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
“Dairy.”

1[(9-C) “Dairy” includes—

(a) any farm, cattle-shed, milk-store, milk-shop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curd, butter-milk or dried, sterilised or condensed milk; and

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk but does not include—

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.]

“Dairyman.”

2[(9-D) “Dairyman” includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail.

“Dairy produce.”

(9-E) “Dairy produce” includes milk, butter, butter-ghee, curd, butter-milk, cream, cheese, and any and every product of milk.]

“Dangerous disease.”

3[(10) “Dangerous disease” means an infectious disease within the meaning of section 52 of the [Tamil Nadu] Public Health Act, 1939 ([Tamil Nadu] Act III of 1939), which is notified as a dangerous disease by the State Government.]
"Filth" means — "Filth."

(a) night-soil and other contents of latrines, cesspools and drains;

(b) dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid and putrefying substances.

"Food" includes every article (other than drugs and water) used by man for food or drink and all materials used or admixed in the composition or preparation of such article and shall also include flavouring or colouring matter, confectionery, spices and condiments.

(12) "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch or metallic sheets and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purposes of this Act.

This clause was substituted for the original clause (11) by section 3(vi) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

This clause was inserted by section 3(vii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

These words were substituted for the words "grass or thatch" by section 3(vii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

Clause (12-A) was omitted by section 3 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
"Latrine."

"Local authority."

"Milk."

"Municipal office."

"Nuisance."

"Occupier."

"Ordinary vacancy."

"Ordinary election."

1[(13) "Latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water-carriage type and urinal.

(13-A) "Local authority" includes a cantonment authority.

2[(13-B) "Milk" means the milk of a cow, buffalo, goat, ass, or other animal and includes cream, skimmed milk, separated milk and condensed, sterilized or desiccated milk, or any other product of milk.]

(14) "Municipal office" means the principal office of the corporation.

3[(14-A) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell, or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity, or persons who may have occasion to use any public right.

(15) "Occupier" includes—

(a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant.]

4[(16) "Ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy.]

1 Clauses (13), (13-A) and (13-B) were substituted for original clause (13) by section 3(viii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This clause was substituted for clause (13-B) by section 3(viii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 These clauses were substituted for clauses (14-A) and (15) by section 3(ix), ibid.

4 This clause was substituted for original clause (16) by section 3 (xi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(17) "Owner" includes (a) the person for the "Owner:" time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property in connexion with which the word is used, (b) the person for the time being in charge of the animal or vehicle in connexion with which the word is used.

(18) "Prescribed" means prescribed by the "Prescribed" ' [State Government] by rules under this Act.

(19) "Private street" means any street, road, "Private street." square, court, alley, passage or riding-path which is not a "public street" but does not include a path- way made by the owner of premises on his own land to secure access to or the convenient use of such premises.

(20) "Public street" means any street, road, "Public street." square, court, alley, passage or riding-path [over which the public have a right of way, whether a thoroughfare or not] and includes—

(a) the roadway over any public bridge or causeway,

(b) the foot-way attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway.

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1959.

2 These words were substituted for the words "whether a thoroughfare or not over which the public have a right of way" by section 3 (xii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
up to the boundaries of the adjacent property, whether that property is private property or property belonging to [the Government].

[(20-A) "Public water-courses, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use.]

(21) "Railway" includes a tramway.

(22) "Reconstruction" of a building includes—

(a) the re-erection wholly or partially of a building after more than one-half of its cubical content has been taken down or burnt down or has fallen down, whether at one time or not;

(b) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey;

(c) the conversion into a dwelling house, or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory;

(d) the re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or factory, as the case may be.

1 The words "the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1932.

2 The above was enacted by Act No. 14 of the Madras City Municipal Amendment Act, 1914.
(23) A person is deemed to have his "residence" or to "reside" in any house [or hut] if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house [or hut] merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to [return to such house or hut] at any time and has not abandoned his intention of returning.

(24) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth".

(25) "Salary" means pay and acting pay, or "Salary:" payment by way of commission, and includes exchange compensation allowances, but not allowances for house-rent, carriage hire, or travelling expenses.

(25-A) "Scavenger" means a person employed in collecting or removing filth, in cleansing drains, latrines or slaughter-houses or in driving carts used for the removal of filth.

[(25-B) "Scheduled Castes" shall have the same meaning as in the Constitution.]

[(25-C) "Scheduled Tribes" shall have the same meaning as in the Constitution.]

(26) "Street-alignment" means a line dividing the land comprised in and forming a part of a street alignment from the adjoining land.

1 These words were inserted by section 3 (xiv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words "return thereto" by ibid.

3 This clause was inserted by section 3 (xv), ibid.

4 This clause was substituted for clause (25-B) by section 3 (x) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

5 This clause was inserted by section 2 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
Chapter 11.—The Municipal Authorities.

Composition of the Corporation.

1. There shall be a corporation charged with the municipal government of the City of Madras, to be known as the Municipal Corporation of Madras.

2. The corporation shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

3. For the efficient performance of the functions of the corporation, there shall be the following municipal authorities of the corporation, namely:

(a) a council;

(b) the standing committees of the council;

and

(c) a commissioner.

This clause was inserted by section 3 (xvi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Sections 4 to 7 were substituted for the original sections 4 to 7 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

This clause was substituted by section 3 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), for the following clause (b):— "(b) a central committee, circle committees, a corporation accounts committee, a contracts committee, and a licence appeals committee; and".
Subject to the provisions of sub-section (4), the council shall consist of one hundred and fifty councillors elected in the manner laid down in this Act.

Subject to the provisions of sub-section (4), all the councillors of the council shall be elected in the manner laid down in this Act.

Among the elected members of the council, there shall be—

(a) fifteen persons belonging to Scheduled Castes or Scheduled Tribes; and

(b) eight persons who are women.

---

Sections 4 to 7 were substituted for the original sections 4 to 7 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

This expression was substituted for the expression "provisions of sub-section (2)" by the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), s. 4 (1).

The words "one hundred and twenty" were substituted for the words "one hundred" by the Madras City Municipal Corporation (Amendment) Act, 1967 (Tamil Nadu Act 7 of 1967); and the words "one hundred and fifty" were substituted for the words "one hundred and twenty" by the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973), s. 2 (i).

Sub-sections (2) to (4) were substituted for sub-section (2) by section 4 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

These words were substituted for the words "twelve persons" by the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973), s. 2 (ii) (a).

These words were substituted for the words "six persons" by section 2 (ii) (b).
If the requisite number of persons specified in clause (a) or clause (b) of sub-section (3) is not elected to the council, then, the elected members of the council shall, in accordance with such procedure as may be prescribed, co-opt to itself as councillors, the required number of persons specified in clause (a) or clause (b):

Provided that no person shall be co-opted under this sub-section unless such person is eligible for being elected as a councillor from any one of the divisions.]

1 This sub-section was substituted by section 2 (iii) of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973) for the following sub-section, which was substituted by section 4 (.) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971):

"(4) If no person belonging to a Scheduled Caste or Scheduled Tribe is elected as a councillor from any of the divisions in a circle or if the requisite number of women specified under clause (b) of sub-section (3) is not elected to the council, then the elected members of the council shall, in accordance with such procedure as may be prescribed, co-opt to itself as councillors—

(i) the required number of persons belonging to the Scheduled Castes or the Scheduled Tribes for such circle; or

(ii) the required number of women specified under clause (b) of sub-section (3):

Provided that no person shall be co-opted under this sub-section unless such person is eligible for being elected as a councillor from any one of the divisions."

2 Sections 4 to 7 were substituted for the original sections 4 to 7 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 The following section 6, which was substituted by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), was omitted by the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973), s. 6:

"6. Constitution of circles.—(1) Each of the territorial constituencies of the Madras Legislative Assembly in the City shall, subject to the provisions of section 45, be a circle for the purposes of the municipal government of the City of Madras.

Explanation.—In this section and in sections 47 and 48, "Territorial Constituency" shall have the same meaning as in the law made in pursuance of the Constitution.

(2) The State Government may, by order, divide the City into two parts, one part to be called North Madras and the other part to be called South Madras, and each part comprises such number of circles as may be specified by the State Government in the order."
There shall be six standing committees for dealing respectively with—
(1) Accounts,
(2) Education,
(3) Health,

Sections 4 to 7 were substituted for the original sections 4 to 7 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

Sections 6-A to 6-E were substituted by the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), for the following sections 6-A to 6-G, which were substituted by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), s. 4—

"6-A. Central Committee. —(1) There shall be established a central committee which shall consist of—
(a) the Mayor,
(b) the Deputy Mayor, and
(c) one member elected by every circle committee from among its members in the prescribed manner.

(2) The chairman of the central committee shall not be the chairman of any circle committee, and if the chairman of any circle committee be elected chairman of the central committee, he shall be deemed to have vacated his office as chairman of the circle committee on the date on which he enters upon his office as chairman of the central committee.

(3) A member of a circle committee shall hold office as a member of the central committee only so long as he is a member of the circle committee.

6-B. Circle committees. —(1) There shall be established for each circle a circle committee.

(2) A circle committee shall consist of the councillors of all the divisions constituting the circle and the councillor, if any, co-opted for the circle.

(3) A member of a circle committee shall hold office as such till his term of office as councillor is in any manner determined.

(4) Subject to the provisions of this Act, and the rules made thereunder, the council shall, by regulations provide for a conference of two or more circle committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested.
6-C. Corporation Accounts Committee.—(1) There shall be established a corporation accounts committee which shall consist of the Mayor and seven other members elected by the council from among its councillors.

(2) A councillor elected to be a member of the corporation accounts committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor is in any manner determined.

(3) When a vacancy occurs in the corporation accounts committee, the council shall fill up the vacancy as soon as may be by the election of another councillor.

(4) The corporation accounts committee in addition to the powers and duties assigned to it under such regulations—

(a) shall supervise the utilization of the budget grants;

(b) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

(c) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

(d) may write off the amount of any loss of or of any depreciation caused to, municipal property which appears to the committee to be irrecoverable.

6-D. Contracts Committee.—There shall be established a contracts committee which shall consist of the Mayor, the chairman of the central committee and the commissioner; and the Mayor shall be the chairman of the contracts committee.

6-E. Licence Appeals Committee.—(1) There shall be established a licence appeals committee which shall consist of five members to be elected by the council from among its councillors.
(2) A councillor elected to be a member of the licence appeals committee shall hold office as such only so long as he is a councillor.

(3) When a vacancy occurs in the office of a member of the licence appeals committee before the expiry of the term of his office as member, the council shall fill up the vacancy, as soon as may be, by the election of another councillor.

6-F. Powers of the committees and sanction of staff for the committees.—(1) Subject to the provisions of this Act and the rules made thereunder, the council shall, by regulations framed for the purpose, determine the powers and duties of the central committee, circle committees, the corporation accounts committee, the contracts committee and the licence appeals committee.

(2) The council shall sanction such staff as may reasonably be required by the central committee, the circle committees, the corporation accounts committee, the contracts committee and the licence appeals committee to discharge their functions.

6-G. Additional committees.—The council may, with the previous sanction of the State Government, constitute additional committees for such purposes as the council thinks fit."

In regard to the first constitution of the central committee, any circle committee, the corporation accounts committee, the contracts committee, the licence appeals committee or the appointments committee, the provisions of this Act shall be read subject to the rules in Schedule II to the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and in regard to the first constitution of any standing committee or the additional standing committee, the provisions of the 1919 Act shall be read subject to the rules in Schedule II to the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(4) Taxation and Finance, excluding Taxation Appeals,

(5) Town-Planning and Improvements, and

(6) Works.

[16-B.] (1) Every standing committee shall consist of eleven members elected by the council from among its councillors in accordance with such procedure as may be prescribed; and the chairman of such standing committee shall in accordance with such procedure as may be prescribed, be elected by such standing committee from among its members at its first meeting after the election of the Mayor and the Deputy Mayor:

Provided that no councillor shall be a member of more than one standing committee at the same time.

(2) A councillor elected to be a member of a standing committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor is in any manner determined.

(3) When a vacancy occurs in the office of member of standing committee, the council shall fill up the vacancy as soon as may be, by the election of another councillor.

1 Sections 4 to 7 were substituted for the original sections 4 to 7 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 For sections 6-A to 6-G, which were substituted by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), sections 6-A to 6-E were substituted by the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
3 [6-C.] The term of office of chairman of any standing committee constituted under this Act shall be only one year from the date of his election as such chairman; and notwithstanding anything to the contrary contained in any of the provisions of this Act, an outgoing chairman of any standing committee shall not be eligible for re-election.

3 [6-D.] (1) The council shall by regulations framed for the purpose determine the powers and duties of each standing committee and may by such regulations provide for a conference of two or more standing committees or for the appointment out of such committees of a joint committee for any purpose in respect of which they may be jointly interested.

(2) The standing committee on accounts in addition to the powers and duties assigned to it under such regulations—

(a) shall supervise the utilisation of the budget grants;

(b) shall have access to the accounts of the corporation, and may require the commissioner to furnish any explanation which it considers to be necessary as to the receipts and expenditure of the municipal fund;

1 Sections 4 to 7 were substituted for the original sections 4 to 9 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 For sections 6-A to 6-G, which were substituted by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), sections 6-A to 6-E were substituted by the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(c) may conduct a monthly audit of the municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the commissioner; and

1[(d) may write off any tax, or other amount whatsoever due to the corporation, whether under a contract or otherwise, or any sum payable in connexion therewith, if it appears to the committee that such tax, fee, amount or sum is irrecoverable.]

(3) The standing committee on taxation and finance shall, in addition to the powers and duties assigned to it under the regulations referred to in sub-section (1), be also entitled to exercise the powers referred to in clause (b) of sub-section (2).

(4) The council shall sanction such staff as may reasonably be required by each standing committee to discharge its functions.

2[36-E.] The council may, with the previous sanction of the State Government, constitute additional standing committees for such purposes as the council thinks fit.]

2[36-F. * * *

2[36-G. * * *]

1 This clause was substituted by the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973), s. 4.

2 Sections 4 to 7 were substituted for the original sections 4 to 7 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 For sections 6-A to 6-G, which were substituted by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), sections 6-A to 6-E were substituted by the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
The Several Authorities.

The Commissioner.

1 [7.(1) There shall be two assistant commissioners and a personal assistant to the commissioner.

(2) The commissioner, the assistant commissioners and the personal assistant to the commissioner shall be appointed by the State Government.

(3) The commissioner, the assistant commissioners and the personal assistant to the commissioner shall be whole-time officers of the corporation and shall not undertake any work unconnected with their offices without the sanction of the council and the State Government.

(4) The State Government may recover from the corporation the whole of the salary and allowances paid to the commissioner, the assistant commissioners and the personal assistant to the commissioner appointed under sub-section (2) and such contribution towards their leave allowances, pension and provident fund as the State Government may, by general or special order, determine.

(5) Subject to the provisions of section 8, the State Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the commissioner, the assistant commissioners and the personal assistant to the commissioner appointed under sub-section (2)].
8. The State Government may, at any time, withdraw the commissioner from office and shall do so if such withdrawal 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.

9. (1) Subject, whenever it is hereinafter expressly directed, to the sanction of the council or the

The following sub-section (2) of section 8 was substituted for the original sub-section (2) thereof by section 5 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958):—

(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.

The following sub-section (1) to section 8 and the marginal note thereof were substituted by section 5 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

"8. Term of office of commissioner.—(1) The commissioner shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for such further period as the State Government may fix but such further period shall not be for more than three years."

The present section 8 was substituted by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

This section was substituted for the original section 9 by section 6 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

This sub-section was substituted for the following sub-section (1) by section 6 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971):—

"(1) Subject, whenever it is hereinafter expressly directed, to the sanction of the council or the central committee, as the case may be, and subject to all other restrictions, limitations and conditions as may be prescribed or as are hereinafter imposed, the executive power for the purpose of carrying out the provisions of this Act shall be vested—

(a) in so far as such provisions relate to the council, the central committee, corporation accounts committee and the other committees except the circle committees constituted under this Act, in the commissioner; and

(b) in so far as such provisions relate to the circle committee, in the assistant commissioner having jurisdiction, subject to the general superintendence, direction and control of the commissioner."
standing committee, as the case may be, and subject to all other restrictions, limitations and conditions as may be prescribed or as are hereby imposed by or under this Act, the exclusive power for the purpose of carrying out the provisions of this Act shall be vested in the commissioner, who shall exercise all the powers, discharge all the duties and perform all the functions specifically conferred or imposed on or entrusted to, him under this Act.]

(2) Subject to the provisions of sub-section (1), the commissioner and the assistant commissioners shall also perform all the duties and exercise all the powers, specifically imposed or conferred on him or them, as the case may be, under this Act.

(3) Notwithstanding anything contained in sub-sections (1) and (2), where the office of an assistant commissioner is vacant, the commissioner may, until the vacancy is filled up—

(a) himself exercise the powers conferred and discharge the duties imposed by or under this Act on the assistant commissioner, or

(b) authorize another assistant commissioner to exercise the said powers and discharge the said duties.]
10. The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the council, \[the standing committee and other committees\], and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

11. The commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the municipal fund:

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority.

3[12. * * * ]

3[13. (!) The commissioner shall be paid out of the municipal fund such salary and allowances not exceeding two thousand rupees per mensem in the aggregate as may from time to time be fixed by the State Government.

1 The words “all the committees constituted under this Act” were substituted for the words “the standing committees and other committees” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961) and the words “the standing committee and other committees” were substituted for the words “all the committees constituted under this Act” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 This section was omitted by section 7 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 This section was substituted for the original section 13 by section 8, ibid.
(2) The assistant commissioners and personal assistant to the commissioner shall be paid out of the municipal fund such salary and allowances as may from time to time be fixed by the State Government.

14. 

15. If the commissioner, or an assistant commissioner or the personal assistant to the commissioner is a civil or military officer in the service of the Government, the corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be paid by him or on his behalf.

16. The commissioner may delegate to the personal assistant to the commissioner or the holder of any municipal office] any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely,

---

1 The following was substituted for the marginal note to, and sub-section (1) of, section 14 by section 9 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961) :

"14. Grant of leave to commissioner, assistant commissioner or personal assistant to the commissioner.—(1) Leave may be granted to the commissioner or the assistant commissioner or the personal assistant to the commissioner by the State Government."

Section 14 was subsequently omitted by section 3 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

8 This section was substituted for the original section 15 by section 10 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

8 These words were substituted for the words "The commissioner may delegate to the holder of any municipal office" by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 11 (f).
sections 25 (3),[^1][55-A], 56, [^2][56-A], 57, [^3][\ldots], [^4][\ldots], 74, 75, 154, 169 (2), 178 (2) and (3), 179, 180, 183, 195, 217, 218, 256, 265, 271, 275, 282, 283, 284, 287, 288, 289, [^5][\ldots], 292, 293, 299, 306, 308, 309, 319, 323, 324, 335, 380, [^6][\ldots], 398, [^7][\ldots], Schedule V, rules 13 and 14:

Provided that—

(a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made;

[^6][\( (b) \) * * * ]

[^6][\( (c) \) * * * ]

(d) the commissioner shall not delegate his power under section 80 to make on behalf of the corporation any contract involving an expenditure exceeding [ five thousand rupees];

(e) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

[^1] These figures and letter were substituted for the figures “55” by section 8 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

[^2] These figures and letter were inserted by section 8 (ii), ibid.

[^3] The figures “58”, “290” and “391” were omitted by section 8 (iii), ibid.

[^4] The figures, brackets and word “72 (3) and (4)” were omitted by the Adaptation Order of 1937.

[^5] The words and figures “Schedule IV, rule 14” were omitted by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 11 (ii).

[^6] Clauses (b) and (c) of the proviso were omitted by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 11 (iii).

[^7] These words were substituted for the words “two thousand rupees” by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 11 (iv).
16-A. Notwithstanding anything contained in Delegation of
section 16, the commissioner may delegate any of
the powers, duties or functions conferred or imposed
upon, or vested in him by or under this Act to the
assistant commissioner:

Provided that—

(a) such delegation shall be in writing and a copy
of the order of delegation shall be laid before the
council at the meeting held next after the order of
delegation is made;

(b) when the commissioner delegates under
this section any power, duty or function which is
exercisable or is required to be performed subject to
the approval of any other municipal authority,
the commissioner shall send a copy of the order
of delegation to such authority.]

17. The exercise or discharge by an assistant
commissioner or the personal assistant to the commis-
sioner or other municipal officer] of any powers,
duties or functions delegated to him under section
16 or 16-A, as the case may be, shall be subject to
such restrictions, limitations and conditions (if any)
as may be laid down by the commissioner and shall also
be subject to his control and revision.

18. The commissioner may, on his own respon-
sibility and by an order in writing, authorize an assistant
commissioner or any class I-A or class I-B officer or any
Delegation of commissioner's extraordinary powers.

1 This section was inserted by the Madras City Municipal
(Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 12.
2 These words were substituted for the words "or discharge by
a municipal officer" by the Madras City Municipal (Amendment)
Act, 1961 (Tamil Nadu Act 56 of 1961), section 13 (i).
3 These words, figures and letter were inserted by the Madras
City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961),
section 13 (ii).
4 This section was substituted for the original section 18 by the
Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56
person in temporary charge of the duties of any class I-A or class I-B officer to exercise the extraordinary powers conferred on him by section 11.]

1[ *

2[19.

3[21. Wherever in this Act the expression "standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is used, is assigned by this Act or by regulations made by the council; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or imposed by such law is assigned by this Act or by regulations made by the council.]

---

1 Section 19 and the sub-heading before the said section were omitted by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 15. Earlier to that, the words "or alderman" occurring in section 19 were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1968).

2 This section was omitted by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 16.

3 This section was substituted by section 7 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), for the following section 21, which was substituted for the original section 21 by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 17:—

"21. Construction of references to standing committee.—All references to the standing committee in any other law shall be construed as references to the central committee or the circle committee or the corporation accounts committee or the contracts committee or the licence appeals committee or any other authority, as the case may be, to which the power or duty conferred or imposed by such law on the standing committee is assigned under this Act or the rules made thereunder by the State Government or by regulations made by the council under this Act."
22. (1) In any case in which it is provided by this Act or any other law that the commissioner may take action subject to the approval, sanction, consent or concurrence of 1[a standing committee], 2[such standing committee] may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions (if any) as may be specified in such resolution.

(2) Whenever the commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of 1[a standing committee], he shall forthwith inform 2[such standing committee] of the fact.

---

1 The words "the central committee, a circle committee, the corporation accounts committee or the contracts committee" were substituted for the words "a standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "a standing committee" were again substituted for the words "the central committee, a circle committee, the corporation accounts committee or the contracts committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 These words were substituted for the words "the committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
The Council.

23. (1) Subject to the provisions of this Act the municipal government of the city shall vest in the council, but the council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to [a standing committee] or the commissioner.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the [Mayor] shall refer the matter to the [State Government] whose decision shall be final.

(3) Without prejudice to the generality of subsection (1) it shall be the duty of the council to consider all periodical statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

1 The words "a committee constituted under this Act" were substituted for the words "a standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "a standing committee" were again substituted for the words "a committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
24. The standing committee] and the commissioner shall be bound to give effect to every resolution [or order] of the council unless such resolution [or order] is cancelled in whole or in part by the "State Government].

"[Provided that, if, in the opinion of the commissioner any resolution or order of the council or committee constituted under this Act contravenes any

1 These words were inserted by section 8 (1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "committees constituted under this Act" were substituted for the words "standing committees" by section 101 of, and Schedule I to, the Madras City Municipalities (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were substituted for the words "committees constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 These words were inserted by section 8 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

4 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

5 The following proviso was added by section 18 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), and for the words "within fifteen days of the passing of the resolution" occurring therein the words "within a period of thirty days of the passing of the resolution or such further period not exceeding fifteen days as the State Government may, by general or special order, specify from time to time" were substituted by section 4 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965):

"Provided that, if, in the opinion of the commissioner any resolution of the council or a committee constituted under this Act contravenes any provision of this or any other Act or of any rule, notification, regulation or by-law made or issued under this or any other Act, or of any order passed by the State Government, he shall, within fifteen days of the passing of the resolution, refer the matter to the State Government for orders, and inform the council or the committee, as the case may be, of the action taken by him at its next meeting and until the orders of the State Government on such reference are received, the commissioner shall not be bound to give effect to the resolution."

The present proviso was substituted by the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), section 8 (3).
provision of this or any other Act or of any rule, notification, regulation or by-law made or issued under this or any other Act or any order passed by the State Government or if there would be any miscarriage of justice in the implementation of such resolution or order, he shall, within a period of thirty days from the date of passing of the resolution or order or such further period not exceeding fifteen days, as the State Government may, by general or special order, specify from time to time, refer the matter to the State Government for orders and inform the council or the committee, as the case may be, of the action taken by him at its next meeting and until the orders of the State Government on such reference are received, the commissioner shall not be bound to give effect to the resolution or order.]

25. (1) Any councillor [1] may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

---

1 The words "or alderman" were omitted by the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958), section 2 (3)
(2) Every councillor shall have the right to interpellate the Mayor on matters connected with the municipal administration subject to such regulations as may be framed by the council.

(3) Every councillor shall have access during office hours to the records of the corporation after giving due notice to the commissioner, provided that the commissioner may for reasons given in writing forbid such access. The councillor may appeal against such order to the Mayor whose decision shall be final.

[25-A. Neither the Mayor nor the Deputy Mayor, nor any councillor shall receive or be paid, from the funds at the disposal or under the control of the corporation, any salary or other remuneration for services rendered by him in any capacity whatsoever.

"[Provided that nothing in this section shall apply to the payment of any conveyance allowance or travelling allowance to the Mayor or the Deputy Mayor or any councillor by the corporation at such rate as may be determined by rules made by the State Government in this behalf.]"

1 The words "or alderman" were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

3 This section was inserted by section 13 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 This proviso was added by the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), section 19.
26. (1) The council \[or a standing committee\] may at any time require the commissioner—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as commissioner;

(b) to furnish any return, plan, estimate, statement, account or statistics connected with the municipal administration;

(c) to furnish a report by himself or to obtain from any head of department subordinate to him and furnish, with his own remarks thereon, a report upon any subject connected with the municipal administration.

(2) The commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interest of the corporation or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the council or \[the standing committee\], as the case may be, refer the question to the \[Mayor\] whose decision shall be final.

---

1 The words "or a committee constituted under this Act" were substituted for the words "or a standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "or a standing committee" were again substituted for the words "or a committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "the committee" were substituted for the words "the standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "the standing committee" were again substituted for the words "the committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).
27. The council may at any time call for an extract from the proceedings of [a standing committee or of any committee] or for any return, statement, account or report connected with any matter with which such committee is empowered to deal; and every such requisition shall be complied with by [the standing committee, or other committees, as the case may be].

27-A. (1) The council may, and if so required by the [State Government] shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

(2) A joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

---

1 The words "any committee constituted under this Act" were substituted for the words "a standing committee or of any committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "a standing committee or of any committee" were again substituted for the words "any committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "such committee" were substituted for the words "the standing committee or other committee as the case may be" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "the standing committee or other committees as the case may be" were substituted for the words "such committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 This section was inserted by section 14 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7), have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(a) committee

(b) local authority

(c) joint committee

(d) the powers one or more of the local authorities may be exercised by the joint committee; and

(g) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) If the [State Government] take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the "State Government" whose decision shall be final.

(8) The powers of the "State" Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.

Provisions common to the Council and the Committees.

28. (1) The council shall at its first meeting after each ordinary election to the council and at its first meeting in each year thereafter] elect—

(a) one of its number to be the Mayor, [and]

(b) one of its number other than the Mayor to be the Deputy Mayor. [ . . . ]

Footnotes:

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 This sub-section was inserted by the Adaptation Order of 1937.

4 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

5 This word was substituted for the words "Standing Committees" by section 20 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

6 This marginal heading was substituted for the original marginal heading "Election of Mayor, Deputy Mayor and chairman" by section 9 (1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

7 These words were substituted for the words "after the first day of November in each year" by section 2 (1) (a) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).

8 This word was inserted by section 3 (i) of the Madras City Municipal (Amendment) Act, 1939 (Madras Act XX of 1939).

9 The word "and" was omitted by ibid.

9 Clause (c) was omitted by ibid.
(2) A Deputy Mayor on being elected Mayor shall cease to be the Deputy Mayor.

\[ 1[(3) \quad \ast \quad \ast \quad \ast \quad \ast \quad \ast ] \]

\[ 1[(4) \quad \ast \quad \ast \quad \ast \quad \ast \quad \ast ] \]

\[ 1[(5) \quad \ast \quad \ast \quad \ast \quad \ast \quad \ast ] \]

---

1 The following sub-sections were substituted for sub-section (3) by section 21 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

"(3) The central committee shall, at its first meeting after the election referred to in sub-section (1), elect one of its members (other than the Mayor or the Deputy Mayor) to be its chairman and if the chairman so elected is already the chairman of the corporation accounts committee or the licence appeals committee, he shall be deemed to have vacated his office as chairman of the corporation accounts committee or the licence appeals committee, as the case may be, on the date on which he enters upon his office as chairman of the central committee.

(4) Each circle committee or the corporation accounts committee or the licence appeals committee shall at its first meeting after the election referred to in sub-section (1), elect one of its members (other than the Mayor, the Deputy Mayor or the chairman of the central committee) to be its chairman.

(5) The chairman of the central committee or of a circle committee or of the corporation accounts committee shall be entitled to hold office from the time of his election and until the election of his successor provided that in the meantime he does not cease to be a councillor".

For the words, brackets and figure "referred to in sub-section (1) in sub-sections (3) and (4), the words "of the Mayor and the Deputy Mayor" were substituted by section 2 (1) (b) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968). The above sub-sections (3), (4) and (5) were subsequently omitted by section 9 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
29. The ²Mayor, ³[or Deputy Mayor] shall be entitled to hold office from the time of his election and until the election of his successor; provided that in the meantime he does not cease to be a councillor ⁵.

On the occurrence of any vacancy in the office of ³Mayor or Deputy Mayor, the council] shall at its next meeting elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

³[30. An outgoing Mayor or Deputy Mayor shall not be eligible for re-election as Mayor or Deputy Mayor, as the case may be, during the period up to

¹This marginal heading was substituted for the original marginal heading by section 10(1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
²This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).
³These words were substituted for the words "Deputy Mayor or chairman" by section 22 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
⁴These words were substituted for the words "entitled to hold office till the election of his successor" by section 16 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
⁵The words "or an alderman" were omitted by section 2 (1) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
²The words "the committee concerned" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and these words were substituted for the words "Mayor, Deputy Mayor or chairman, the council or the committee concerned, as the case may be" by section 10(2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
⁷The marginal heading "Re-eligibility of Mayor and Deputy Mayor" was substituted for the original marginal heading and the words "Mayor or Deputy Mayor" were substituted for the words "Mayor, Deputy Mayor or chairman" in section 30 by section 11 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
⁸The present section was substituted for the original section 30 by section 2 of the Tamil Nadu Local Authorities' Laws (Second Amendment) Act, 1974 (Tamil Nadu Act 2 of 1975).
the next ordinary election and in case of extension of term of office of the councillors by any law for the time being in force, during the remainder of the period of such extension.]

1[31. The council (and the standing committee) shall observe the procedure laid down in Schedule II and may make supplementary regulations, not inconsistent therewith or with other provisions of this Act or any rules made by the [State Government], for the conduct of their respective proceedings and also for the maintenance of order at their meetings.

Explanation.— Any supplementary regulation made under this section shall, if it is inconsistent with the provisions of any rule made subsequently, become void to the extent of such inconsistency.]

1 This section was substituted for original section 31 by section 18 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “the central committee, the circle committees and the corporation accounts committee” were substituted for the words “and the standing committees” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 50 of 1961); and the words “and the standing committee” were substituted for the words “the central committee, the circle committees and the corporation accounts committee”, by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 The words “Provincial Government’’ were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
32. [1]Every meeting of the council shall be presided over by the Mayor, in his absence by the Deputy Mayor and in the absence of both the Mayor and the Deputy Mayor, by a councillor [2][ ] chosen by the meeting to preside for the occasion.

(2) Every meeting of [3] a standing committee shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion.

(3) The [4]MAYOR, [5]the Deputy Mayor or the chairman, as the case may be, shall preserve order and shall decide all points of order and procedure arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the [6]Mayor, [7]Deputy Mayor or chairman thereon shall, save as is otherwise expressly provided in this Act, be final.


---

1 These sub-sections were substituted for original sub-sections (1) and (2) by section 19 (i) of the Madras City Municipal (Amendment) Act, 1896 (Madras Act X of 1936).

2 The words "or alderman" were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

3 The words "a committee constituted under this Act" were substituted for the words "a standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "a standing committee" were again substituted for the words "a committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

4 This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

5 These words were inserted by section 19 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

6 These words were substituted for the word "Councillor" by section 19 (iii), ibid.

7 These words were substituted for the words "councillor, or alderman" by section 6 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
shall for that meeting \(^1\) and during the period that he presides over it] have all the powers and be subject to all the obligations of the \(^2\) Mayor or chairman, as the case may be.

\(^3\) [(5) The Mayor, the Deputy Mayor or the
councillor presiding at a meeting of the council may
direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting and any councillor so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If such councillor refuses to withdraw, the Mayor, the Deputy Mayor or the councillor presiding at the meeting may order his removal by force. The councillor so directed to be absent shall not be deemed to have failed to attend the meeting of the council for the purposes of clause (i) of sub-section (1) of section 53.]

\(^4\) [33. (1) The commissioner shall have the
right to attend the meetings of the council and of

---

\(^1\) These words were inserted by section 19 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^2\) This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

\(^3\) This sub-section was added by section 23 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

\(^4\) The following section was substituted for the original section 33 by section 24 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):

"33. Commissioner and assistant commissioner when to attend meetings, etc.—(1) The commissioner shall have the right to attend the meetings of the council and of the central committee, any circle committee, the corporation accounts committee or any other committee constituted under this Act and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) An assistant commissioner shall have the right to attend the meetings of any of the circle committees within his jurisdiction and to take part in the discussion but shall not have the right to move any resolution or to vote.

(3) The commissioner or the assistant commissioner or both of them shall attend any meeting of the council or of the central committee, any circle committee, the corporation accounts committee or any other committee constituted under this Act if required to do so by the Mayor or the chairman of the committee as the case may be."

The present section 33 was again substituted for the above section by section 12 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
any standing committee or other committee constituted under this Act and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) The commissioner shall attend any meeting of the council or of a standing committee or any other committee constituted under this Act, if required to do so by the Mayor or the chairman of the committee, as the case may be.

34. (1) No councillor shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the council or of any standing committee or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The Mayor or chairman may prohibit any councillor from voting on or taking part in the discussion of any matter in which the councillor is believed to have such interest, or he may require the councillor to absent himself during the discussion.

---

1 The words "or alderman" were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 The words "any committee constituted under this Act" were substituted for the words "any standing committee or any committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "any standing committee or any committee" were again substituted for the words "any committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).
(3) Such councillor \(^1\) may challenge the decision of the \(^2\)[Mayor] or chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the \(^2\)[Mayor] or chairman is \(^3\)[alleged] by any councillor \(^4\) present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such councillor \(^4\) if carried, be required to absent himself from the meeting during the discussion.

\(^5\) The councillor \(^5\) concerned shall not be entitled to vote on the question referred to in sub-section (3) and the Mayor or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—In this section ‘Mayor’ includes a Deputy Mayor, ‘[or councillor] presiding for the occasion and ‘chairman’ includes a member presiding for the occasion at a meeting of a committee.]

---

1 The words “ or alderman” were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 This word was substituted for the word “President” by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

3 This word was substituted for the word “believed” by section 20 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 This sub-section and Explanation were added by section 20 (iii), \(^6\)bid.

5 These words were substituted for the words “councillor or alderman” by section 7 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
135. The Mayor may resign his office by giving notice in writing to the council; and the Deputy Mayor or any councillor other than the Mayor or any member or chairman of a standing committee or other committee may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect in the case of the Mayor from the date on which it is placed before the council and in any other case, from the date on which it is received by the Mayor.

36. (1) No act done, or proceeding taken under this Act shall be questioned merely on the ground—

(a) of any vacancy or defect in the constitution of the council, or of any standing committee or other committee, or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the council, or of a standing committee or other committee, the minutes of which were ommitted by section 35 were substituted by section 35, standing committee or other committee).

1 The words "or alderman," in section 35 were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958), and the following section was substituted for section 35 by section 25 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

"35. Resignations.—The Mayor may resign his office by giving notice in writing to the council; and the Deputy Mayor, or any councillor other than the Mayor, or the chairman of any committee constituted under this Act or any member of any such committee other than a circle committee, may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect, in the case of the Mayor, from the date on which it is placed before the council, and in any other case, from the date on which it is received by the Mayor."

The present section 35 was again substituted by section 13 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "committee constituted under this Act" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee or other committee" were substituted for the words "committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
the proceedings at which have been signed as laid down in Schedule II for the rules made under this Act, shall be deemed to have been duly convened and to be free from all defect and irregularity.

The [Mayor].

Prerogative of the Mayor.

37. (1) The Mayor shall have full access to all the records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) No official correspondence between the corporation and the [State Government] shall be conducted except through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the [State Government] or by the [State Government] to the commissioner. While transmitting communications from the commissioner to the [State Government], the Mayor may make such remarks as he may think necessary.

1 These words were inserted by section 26 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This word was substituted for the words "President of the Council" by section 3 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

3 This section was substituted for original section 37 by section 22 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
438. (1) The Mayor shall ex-officio be a member of every standing committee and of every other committee constituted under the Act except the Taxation Appeals Committee, but shall not be eligible to be elected as the chairman of any standing committee.

(2) If the Mayor is at the time of his election the chairman or an elected member of a standing committee, he shall cease to hold office as such chairman or member.

(3) If a vacancy occurs in the office of chairman of any standing committee, the Mayor shall convene a meeting of that committee for the election of another chairman and the chairman elected at such meeting shall be entitled to hold office as such only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred."

"38. Mayor to be member of all committees.—(1) The Mayor shall ex-officio be a member of the central committee, the corporation accounts committee and the contracts committee and of every circle committee or other committees constituted under this Act except the licence appeals committee and the Taxation Appeals Committee, but shall not be eligible to be elected as the chairman of the central committee or any circle committee or the corporation accounts committee:

Provided that the Mayor shall not have a right to vote at any meeting of a circle committee other than the circle committee of which he would be a member by virtue of his holding office as a councillor.

(2) If the Mayor was at the time of his election the chairman or an elected member of the central committee or the corporation accounts committee or the licence appeals committee or the chairman of a circle committee, he shall cease to hold office as such chairman or elected member.

(3) If a vacancy occurs in the office of chairman of the central committee or any circle committee or the corporation accounts committee or the licence appeals committee, the Mayor shall convene a meeting of that committee for the election of another chairman and the chairman elected at such meeting shall be entitled to hold office as such so long as the person in whose office he is elected would have been entitled to hold it if the vacancy had not occurred."

The present section 38 was again substituted for the above section by section 14 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
[The Deputy Mayor.]

1[38-A. (1) When the office of Mayor is vacant, his functions shall devolve on the Deputy Mayor until a new Mayor is elected.

(2) If the Mayor has been continuously absent from the city for more than fifteen days or is incapacitated his functions shall devolve on the Deputy Mayor until the Mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The Mayor may, by an order in writing, delegate any of his functions to the Deputy Mayor.]

Administration Report.

39. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the 2[State Government], the corporation shall submit to the 2[State Government] a detailed report of the administration during the preceding year in such form as the 2[State Government] may direct.

(2) The commissioner shall prepare such report and the council shall consider the report and forward the same to the 2[State Government] with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

Powers of the 2[State Government].

40. The 2[State Government] may at any time require the council or the commissioner:

(a) to produce any record, correspondence, plan or other document;

---

1 This heading and section 38-A were inserted by section 24 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937, and the word “State” was substituted for “Provincial” by the Adaptation Order of 1938.
(b) to furnish any return, plan, estimate, statement, account or statistics:

(c) to furnish or obtain any report.

41. The 1[State Government] may depute any officer to inspect or examine any municipal department, office, service, work or thing and to report to cause inspection to be made thereon and any officer so deputed may, for the purposes of such inspection or examination, exercise all the powers conferred by section 40.

42. If, on receipt of any information or report obtained under section 40 or 41, the 1[State Government] 2[are of opinion]—

(a) that any duty imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty,

the 1[State Government] may, by an order, direct the council or the commissioner within a period to be specified in the order to make 3[arrangements to their satisfaction] for the proper performance of the duty, or to make financial 4[provision to their satisfaction] for the performance of the duty, as the case may be:

Provided that, unless in the opinion of the 1[State Government] the immediate execution of such order is necessary, the 1[State Government]

---

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the words "is of opinion" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were substituted for the words "arrangements to his satisfaction" by ibid.

4 These words were substituted for the words "provision to his satisfaction" by ibid.
shall, before making an order under this section, give the council an opportunity of showing cause why such order should not be made.

43. (1) If, within the period fixed by an order issued under section 42, any action directed under that section has not been duly taken, the [State Government] may by order—

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him, and

c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and, if necessary, that any one or more of the taxes authorized by Part III of this Act shall be levied or increased, but not so as to exceed any maximum prescribed by that part.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to protection under this Act as if he were a municipal authority.

(3) The [State Government] may, in addition to or instead of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may [in their opinion] be required for giving effect [to their orders] be borrowed by

---

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the words "in his opinion" by the Schedule to the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were substituted for the words "to his orders" by bid.
debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 142 to 153 shall, as far as may be, apply to any loan raised in pursuance of this section.

1[44.(1) The Mayor shall submit to the State Government copies of all important resolutions of the council and of the standing committees or other committees and all by-laws of the council.

(2) The State Government may at any time by order in writing—

(i) suspend or cancel in whole or in part any resolution passed;

(ii) suspend or cancel any order issued or licence or permission granted; or

(iii) prohibit the doing of any act which is about to be done or is being done, in pursuance of or under colour of this Act, if, in their opinion—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised,

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by, or in contravention of, this or any other Act, or of any

---

1 The words "all important resolutions of the council, central committee, circle committee, corporation accounts committee, contracts committee, the licence appeals committee and all by-laws of the council" were substituted for the words "all resolutions and all by-laws" occurring in original section 44 (1) and the words "central committee, circle committee, corporation accounts committee, contracts committee, or the licence appeals committee" as the case may be" and the words "or the committee concerned" were inserted after the words "communicate to the council" and "for the council" respectively in the proviso to sub-section (2) thereof by section 28 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 86 of 1961); and this section was substituted for the original section 44 by section 16 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
rule, notification, regulation or by-law made or issued under this or any other Act, or is an abuse of such powers or adversely affects the financial stability or credit of the corporation or the efficiency of municipal administration as a whole,

(c) such resolution, order, licence, permission or act is in contravention of any direction issued by the State Government, or

(d) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that the State Government shall before taking action under this section on any of the grounds referred to in clauses (a), (b) and (c), give the authority or person concerned an opportunity for explanation:

Provided further that nothing in this subsection shall enable the State Government to set aside any election which has been held.

(3) If, in the opinion of the commissioner, immediate action is necessary on any of the grounds referred to in clause (d) of sub-section (2), he may suspend the resolution, order, licence or permission or prohibit the doing of the act, as the case may be, and report to the State Government who may thereupon either rescind the commissioner's order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that the commissioner's order shall continue in force with or without modification permanently or for such period as they think fit.]
44-A. (1) If, in the opinion of the State Government, the corporation is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, the State Government may direct that the corporation be dissolved and reconstituted on such dates as the State Government may fix in that behalf or they may, if they think necessary, supersede the corporation for a specified period not exceeding three years and the notification shall be laid before both Houses of the State Legislature:

Provided that for the purpose of completing the elections to the corporation when it is dissolved, the State Government may, from time to time, extend the time fixed by them under this sub-section for its reconstitution.

(2) Before publishing a notification under sub-section (1), the State Government shall communicate to the corporation the grounds on which they propose to do so, fix a period of not less than thirty days for the corporation to show cause against the proposal and consider its explanations or objections, if any.

(3) Nothing contained in sub-section (1) shall affect the office of the commissioner.

(4) On the date fixed for the dissolution of the corporation under sub-section (1), all its members as well as the Mayor and the Deputy Mayor (including councillors who are members of committees established or constituted by or under this Act) shall forthwith be deemed to have vacated their offices and fresh elections shall be held in accordance with the provisions of this Act.  

---

1 This section was inserted by section 5 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

2 The following sentence was omitted by section 2 (2) (a) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968):—

"The newly elected councillors shall enter upon their offices on the date fixed for the reconstitution of the corporation."
(5) Supersession shall take effect from noon on the date of publication of the notification, if no date is therein specified, and thereupon the following consequences shall ensue:

(a) All the members of the corporation as well as the Mayor and the Deputy Mayor (including councillors who are members of committees established or constituted by or under this Act) shall forthwith be deemed to have vacated their offices.

(b) All or any of the functions of the corporation, of the Mayor and of the committees established or constituted by or under this Act except the Taxation Appeals Committee may, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the State Government may determine, by such person as the State Government appoint in that behalf and any such person may, if the State Government so direct, receive payment for his services from the municipal fund; the State Government may determine the relations of such person with themselves and may direct the commissioner to exercise and perform any powers and duties of the corporation and of the committees aforesaid except the Taxation Appeals Committee in addition to his own.

(c) All or any of the functions of the Taxation Appeals Committee may, during the period of supersession, be exercised and performed by the chairman of the said Committee.

(6) On or before the expiry of the period of supersession notified under sub-section (1), the State Government may, by notification, for reasons to be stated in the notification, postpone the reconstitution of the corporation for a further period not exceeding one year at any one time, but the total period of supersession shall not in any case exceed three years.
(7) The State Government may reconstitute the corporation before the expiry of the period notified under sub-section (1) or sub-section (6).

1[7-A] The term of office of the newly elected councillors or of the councillors elected in their places at casual vacancies shall be [five years] beginning and expiring at noon on such date as the State Government may, by notification, appoint in that behalf:

Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding *[one year] as may be specified in the notification.]

(8) When the corporation is dissolved or superseded under this section, the State Government until the date of the reconstitution thereof and the reconstituted corporation thereafter shall be entitled to all the assets and be subject to all the liabilities of the corporation as on the date of dissolution or supersession and on the date of the reconstitution respectively.

4[44-B. (1) Where ordinary elections to fill up ordinary vacancies in the office of elected councillors have not been held under this Act before the occurrence of the vacancy, the State Government may appoint a Special Officer in cases where ordinary elections are not held in time.

---

1 This sub-section was inserted by section 2 (2) (b) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).

2 These words were substituted for the words "three years" by section 16 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 These words were substituted for the figure and word "3 months" by section 16, *ibid*.

4 This section was inserted by section 2 of the Madras City Municipal Corporation Laws (Amendment) Act, 1973 (Tamil Nadu Act 34 of 1973).
of the vacancies consequent on the expiry of term of office of such councillors:

(i) under this Act, or

(ii) under section 39 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971), as amended by the Madras City Municipal Corporation Laws (Amendment) Act, 1973, or

(iii) under any other law as for the time being in force,

the State Government may appoint a Special Officer to exercise the powers and perform the functions of the corporation, of the Mayor, and of the committees established or constituted by or under this Act except the Taxation Appeals Committee, to such extent as may be determined by the State Government.

(2) The Special Officer referred to in subsection (1) may also exercise any of the powers and perform any of the functions of the commissioner or any other officer or authority under this Act, which the State Government may, by notification, specify.

(3) (a) The Special Officer shall receive payment for his services from the municipal fund.

(b) The State Government may determine the relations of the Special Officer with themselves.

(4) All or any of the functions of the Taxation Appeals Committee may, during the period for which the Special Officer is appointed, be exercised and performed by the Chairman of the said Committee.

(5) The commissioner shall, in the exercise of his powers and performance of the functions under this Act, be subject to the control and superintendence of the Special Officer.
CHAPTER III.—ELECTION AND APPOINTMENT OF COUNCILLORS ¹.

Qualifications and Disqualifications of Voters, Candidates ²[and Councillors].

⁴[45. (1) ⁵[  ] ⁶[For the purposes of the ⁷[One hundred and fifty divisions.] election of the ⁸[(one hundred and fifty) ⁹( ) councillors] referred to in ⁹[ ] sub-section (1) ¹⁰[ ]]

¹ The words “AND ALDERMEN” were omitted by section 8 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

² These words were substituted for the words “Councillors and Aldermen” by section 9, ibid.

³ This marginal heading was substituted by section 5 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

⁴ Sections 45 to 49-A were substituted for original sections 45 to 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), and of these, sections 46-B, 47, 48, 49 and 49-A were further substituted by section 2 (5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

⁵ The brackets and letter “(a)” were omitted by section 29 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

⁶ These words were substituted for the words “For the purposes of the election of the divisional councillors to fill the fifty general seats” by section 10 (i) (a) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

⁷ The words “one hundred and twenty” were substituted for the words “one hundred” by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1967 (Tamil Nadu Act 7 of 1967); and the words “one hundred and fifty” were substituted for the words “one hundred and twenty” by section 5 (ii) of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

⁸ The word “divisional” was omitted by section 29 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

⁹ The words, brackets and letter “clause (a) of ” were omitted by ibid.
of section 5 the City shall be divided into ¹²(one hundred and fifty) territorial divisions] the boundaries of which shall be fixed by the ³(State Government) by notification.

[(2)] The ³(State Government) may after consulting the council, by notification, alter the boundaries of any such division.

¹[(2) * * * * ]

⁵[⁴⁶. Only one councillor shall be elected for each division.]

⁶⁴⁶-A. All the voters in a division, irrespective of their sex or the community to which they belong, shall be entitled to vote at an election ⁷[to the seat in that division].

¹ The words "one hundred territorial divisions" were substituted for the words "City territorial divisions" by section 10 (i) (b) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

² The words "one hundred and twenty" were substituted for the words "one hundred" by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1967 (Tamil Nadu Act 7 of 1967); and the words "one hundred and fifty" were substituted for the words "one hundred and twenty" by section 5 (ii) of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ Clause (b) of sub-section (1) was numbered as sub-section (2) and the existing sub-section (2) thereof was omitted by section 29 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

⁵ This section was substituted for section 46 by section 11 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

⁶ Sections 45 to 49-A were substituted for original sections 45 to 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), and of these, sections 46-B, 47, 48, 49 and 49-A were further substituted by section 2 (5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938)—See sections 46-B, 47, 48 and 49. Sections 46, 46-A and 46-B were again substituted for sections 46, 46-A and 46-B by sections 5, 6 and 7 respectively of the Madras City Municipal (Second Amendment) Act, 1947 (Madras Act VI of 1947).

⁷ These words were substituted for the words "to any seat in that division, whether reserved or not" by section 12 of the Madras City Municipal (Amendment) Act, 1938 (Tamil Nadu Act XXIV of 1958).
2. Substitution of new section 47, Tamil Nadu Act IV of 1919

In the Madras City Municipal Corporation Act, 1919 (Tamil N Act IV of 1919) (hereinafter in this Part referred to as the Act), for section 47, the following section shall be substituted, namely:

"47. Electoral rolls for divisional seats and qualification inclusion therein.—(1) For each of the territorial divisions referred to in section 45, there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.

(2) A person shall be disqualified for registration in electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of section 71 or any law relating to corrupt practices or other offences in connection with elections.

(3) No person shall be entitled to be registered in electoral roll for more than one territorial division or in electoral roll for any territorial division in more than one place.

(4) No person registered in the electoral roll for a territorial division shall be entitled to be registered in the electoral roll for any other territorial division or ward, as the case may be, of the City (other than the City of Madras), municipality or panchayat.

Explanation.—For the purpose of this sub-section, the expressions 'City', 'municipality' and 'panchayat' shall have meanings respectively assigned to them in the Madras Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act X of 1958), the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

*These words were substituted for the words "the names of all persons who are entered in such roll" by section 2 (1) (b) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).*
addresses are situated in such division, shall be entitled to be included in the electoral roll for the division prepared for the purposes of this Act.

Explanation (2).—No person’s name shall be included in the electoral roll for more than one division or in the electoral roll for any division in more than one place.

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.

[Provided that (any person who is entitled to be included) in a separate part of the electoral roll for such territorial constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950) shall not be eligible for being included in the electoral roll for that division prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in that division to (the person authorized under sub-section (1) of section 48) for such inclusion.]

The words “as entered in such roll” were omitted by section 2 (1) (b) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

The following Explanation (3), which was substituted by section 14 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958), was omitted by section 30(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

“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”. The present Explanation (3) was again added by section 6 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

This proviso was inserted by section 2 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

These words were substituted for the words “any person whose name is included” by section 2(1)(c) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

These words, brackets and figures were substituted for the words “the commissioner” by ibid.
[46-B. "* * * * *" ]

247. 3 [Every person who is qualified to be included such part of the electoral roll for any territorial constituency of the "(Tamil Nadu Legislative Assembly), relates to any of the divisions] referred to in "(sec-

3 45), shall be entitled to be included in the elec-

r for that division prepared for the purposes of this Act, and no other person shall be entitled to included in such roll.

Explanation (1).—Where in the case of any terrri-

tial constituency of the "(Tamil Nadu Legislative

Assembly) there is no distinct part of the electoral roll relating to a division, "(all persons who are qualifi-
ced to be included in such roll) under the registration

a comprising that division and whose

This section was omitted by section 13 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

Sections 45 to 49-A were substituted for original sections 45 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), and of these, sections 46-B, 47, 49 and 49-A were further substituted by section 2(5) of the Madras Municipal, District Municipalities and Local Boards (Amend-

ment) Act, 1938 (Madras Act II of 1938)—See sections 46-B, 47, 48 49.

Sections 46, 46-A and 46-B were again substi-
ted for sections 46, 46-A and 46-B by sections 5, 6 and 7 respectively of the Madras City Municipal (Second Amendment) Act, 7 (Madras Act VI of 1947).

These words were substituted for the words "Every person whose name is included in that part of the electoral roll for any territorial constituency of the Madras Legislative Assembly, relates to any of the divisions" by section 2 (i) (a) of the Madras City Municipal Corporation, District Municipalities and Rayahats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968). This expression was substituted for the expression "Madras Legislative Assembly" by the Tamil Nadu Adaptation of Laws Act, 1970, which was deemed to have come into force on the January 1969.

This word and figures were substituted for the words, brackets figures "sub-section (1) of section 45" by section 30 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 1961).

These words were substituted for the words "the names of persons who are entered in such roll" by section 2 (1) (b) of the Madras City Municipal Corporation, District Municipalities and Rayahats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).
addresses [ ] are situated in such division, shall be entitled to be included in the electoral roll for the division prepared for the purposes of this Act.

Explanation (2).—No person’s name shall be included in the electoral roll for more than one division or in the electoral roll for any division in more than one place.

[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.]

[Provided that “(any person who is entitled to be included) in a separate part of the electoral roll for such territorial constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950(Central Act XLIII of 1950) shall not be eligible for being included in the electoral roll for that division prepared for the purposes of this Act, unless he makes an application giving the particulars of his address in that division to (the person authorized under sub-section (1) of section 48) for such inclusion.]

1 The words “as entered in such roll” were omitted by section 2 (1) (b) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

2 The following Explanation (3), which was substituted by section 14 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958), was omitted by section 30(ii) of the Madras City Municipal(Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):

“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”. The present Explanation (3) was again added by section 6 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

3 This proviso was inserted by section 2 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

4 These words were substituted for the words “any person whose name is included” by section 2(1) (c) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

5 These words, brackets and figures were substituted for the words “the commissioner” by ibid.
148. Any person authorized in this behalf by the State Government shall, for the purposes of this Act, prepare and publish in such manner and at such times as the State Government may direct, the electoral roll for each of the (one hundred and fifty) divisions referred to in section 45 or the alterations to such roll, as the case may be.

Explanation.—The power conferred by this sub-section on the person so authorized shall include the power to omit, in the manner and at the times aforesaid, from the electoral roll for any such division published under this sub-section, the name of any person who is dead or who is disqualified to be included in such part of the electoral roll for any territorial constituency of the [Tamil Nadu Legislative Assembly] as relates to that division.]

---

1 Sections 45 to 49-A were substituted for original sections 45 to 49 by section 27 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936) and of these, sections 46-B, 47, 48, 49 and 49-A were further substituted by section 2(5) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938)—See sections 46-B, 47, 48 and 49.

2 In sub-section (1) of section 48, the words “and labour” were omitted, the words “the law made in pursuance of the Constitution” were substituted for the words and figures “the Government of India Act, 1935”, the words “one hundred divisions” were substituted for the words “fifty divisions” and the words, figures and letter “and to each of the labour electorates referred to in section 46-B” were omitted by section 15(i) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958). The word “... figures, “section 45” were substituted for the words, brackets and figures “sub-section (1) of section 45” by section 31(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961). The words “one hundred and twenty” were substituted for the words “one hundred” by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1967 (Tamil Nadu Act 7 of 1967). The present sub-section (1) and the Explanation thereunder were substituted by section 2(2)(a) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

3 These words were substituted for the words “one hundred and twenty” by section 7 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

4 This expression was substituted for the expression “Madras Legislative Assembly” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.
(2) Where after the electoral rolls for the (one hundred and fifty) divisions aforesaid or any alterations to such rolls have been published under sub-section (1), the boundaries of any such divisions are altered, the person authorized under that sub-section shall, in order to give effect to such alteration of boundaries, rearrange and republish in such manner as the Government may direct, the electoral rolls for each of the divisions concerned.

(2-A) No alteration shall be made in the electoral roll for any division, published under sub-section (1), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), after the last date fixed for making nomination of candidates for election to that division and before the result of the election for that division is notified under section 58.

(3) The electoral roll for any division published under sub-section (1), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), shall remain in force until the publication under sub-section (1) of a fresh electoral roll for that division.

---

1 The words "one hundred divisions" were substituted for the words "fifty divisions" by section 15(ii) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 The words "one hundred and twenty" were substituted for the words "one hundred" by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1967 (Tamil Nadu Act 7 of 1967), and the words "one hundred and fifty" were substituted for the words "one hundred and twenty" by section 7 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1973 (Tamil Nadu Act 7 of 1973).

3 These words were substituted for the words "the commissioner" by section 2(2)(b) of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

4 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

5 This sub-section was inserted by section 31(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

6 The words, figures and letter "or for any labour electorate referred to in section 46-B" and the words "or labour electorate" were omitted by section 15 (iii) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
(4) Every person whose name appears in the electoral roll for any division, as so revised, shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division, and no person whose name does not appear in such roll shall vote at such an election.

50. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person who is disqualified under section 71 shall be qualified to vote so long as the disqualification subsists.

51. (1) No person shall be qualified —

(a) to be elected as a councillor in respect of any of the divisional seats,
unless his name is included in the electoral roll of any of the 1(one hundred and fifty) territorial divisions of the City:

(b) for being co-opted as a councillor under

section 5 unless——

(i) such person is a member of the Scheduled Castes 3[or the Scheduled Tribes or a woman, as the case may be]; and

(ii) his name is included in the electoral roll of any of the 1(one hundred and fifty) divisions aforesaid.]

(2) No 5[servant of the Government] shall be qualified for election or for holding office as a councillor if

Provided that this prohibition shall not apply to—— 2[—

(i) the holder of any office which does not involve both of the following incidents, namely:

(a) that the incumbent is a whole-time 7[serv-

vant of the Government]; and

1 The words “one hundred and twenty” were substituted for the words “one hundred and fifty” by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1967 (Tamil Nadu Act 7 of 1967) and the words “one hundred and fifty” were substituted for the words “one hundred and twenty” by section 8 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

2 The words, brackets, letter and figure “clause (b) of sub-section (1) of” were omitted by section 32 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 These words were inserted by section 17 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 23 of 1971).

4 The words “servant of the Crown” were substituted for the words “Officer of Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.

5 The words “or an alderman” were omitted by section 2(1) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

6 Clause (i) of the first proviso and the word “or” occurring at the end of that clause were omitted by section 17 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

7 The words “servant of the Government” were substituted for the words “servant of the Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.
(b) that he is remunerated by either salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section the question shall be referred to the [State Government] whose decision shall be final.

3[(52. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned) shall be disqualified for election [or co-option] as a councillor [**] while undergoing the sentence and for five years from the date of the expiration of the sentence.

(2) A person shall be disqualified for election [or co-option] as a councillor [**]

If such person is at the date of nomination, election [or co-option]—

(a) of unsound mind, a deaf-mute or a leper;

(b) an applicant to be adjudged a bankrupt or insolvent or an uncertified bankrupt or undischarged insolvent;

---

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 This section was substituted for original section 52 by section 29 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were substituted for the words "or appointment" by section 33 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 The words "or for election as an alderman" were omitted by section 18 (1) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

125-13—8A
(c) directly or indirectly, by himself or his
partner, interested in a subsisting contract made with
or any work being done for the corporation:

Provided that a person shall not be deemed to have any interest in such contract or work to
reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the corporation inserted;

(iv) any company or association, whether incorporated or not, which contracts with the
corporation for lighting or supplying with water any part of the city or insuring against fire any property of the corporation;

(v) any company including a railway
company; or

(vi) the sale to the corporation of articles in which he regularly trades, or the purchase from the corporation of any articles;

(d) employed as paid legal practitioner
behalf of the corporation or as legal practitioner against the corporation;

1[(dd) a representative or officer of
association or union representing, or purporting to represent, any section of the corporation establishment or any class of employees of the corporation]

1 This clause was inserted by section 33(ii) of the Madras Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 196
(e) an officer or servant holding office under this Act, or an *honorary Presidency Magistrate or a Public Prosecutor or Government Pleader; *[ ]

(f) already *[ ] a councillor *[ ] whose term of office as such will not expire before his fresh election *[or co-option] can take effect or has already been elected a councillor *[ ] whose term of office has not yet commenced; *[or]

*[(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the corporation up to and inclusive of the previous year, in respect of which a bill, notice or direction has been duly served upon him and the time, if any, specified therein for payment has expired.]

(3) Notwithstanding anything contained in sub-section (1), the *[State Government] may direct that such sentence shall not operate as a disqualification.

---

1 The word “or” was omitted by section 2 of the Madras City Municipal (Amendment) Act, 1941 (Madras Act IV of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

2 The word “either” was omitted by section 18(2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

3 The words “or an alderman” were omitted by section 2(1), ibid.

4 These words were substituted for the words “or appointment” by section 33(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

5 The word “or” and clause (e) were added by Madras Act IV of 1941, re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

6 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

* The practice of appointing Honorary Magistrates has been dispensed with consequent on the coming into force of the new Code of Criminal Procedure, 1973 (Central Act 2 of 1974) with effect from 1.4.74.
1[(4) No person who is disqualified under section 71 shall be qualified for election or co-option as a councillor so long as the disqualification subsists.]

Disqualification of councillors and aldermen.

53.[(1) Subject to the provisions of section 54, a councillor [ ] shall cease to hold office as such, if he—

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 52;

(b) becomes of unsound mind, a deaf-mute, or a leper;

(c) applies to be adjudicated or is adjudicated a bankrupt or insolvent;

(d) subject to the proviso to clause (c) of sub-section (2) of section 52, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation;

(e) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation;

[(ee) becomes a representative or officer of any association or union representing, or purporting to represent, any section of the corporation establishment or any class of employees of the corporation;]

---

1 This sub-section was substituted for original sub-section (4) by section 4 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

2 This sub-section was substituted for the original sub-section by section 30(1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 The words “or alderman” were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1968 (Tamil Nadu Act XXIV of 1968).

4 This clause was inserted by section 34(4) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(f) is appointed to any office or post referred to in clause (e) of sub-section (2) of section 52;

[(g) is disqualified under section 71;]

(h) ceases to reside in the City;

[(hh) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the corporation, within three months after a bill, notice or direction has been served upon him under this Act, or where in the case of any arrear this Act does not require the service of any bill, notice or direction, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the commissioner to serve at the earliest possible date) has been duly served upon him by the commissioner; or]

(i) fails to attend the meetings of the council for a period of three consecutive months beginning from the date of the commencement of his term of office or of the last meeting he attended as the case may be;

[( * * * * )]

(2) Notwithstanding anything contained in clause (a) of sub-section (1) the [State Government] may direct that such sentence shall not operate as a disqualification.
(3) Where a person ceases to be councillor under clause (a) or clause (g) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected [or co-opted] as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence or incurred under section 71 is removed by an order of the State Government[and any person elected] [or co-opted] to fill the vacancy in the interim shall on such restoration vacate office.

(4) In the case of a person who has ceased to be a councillor [in consequence of failure to attend meetings the matter shall be reported by the commissioner at the next ordinary meeting] and the council may at that meeting restore such person to office.

---

1 The words “or alderman” were omitted by section 2(2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 The word, letter and brackets “clause (g)” were substituted for the word, letter and brackets “clause (a)” by section 30(ii)(b) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were substituted for the words “or appointed” by section 34(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 These words and figures were substituted for the words “the disqualification caused by the sentence is removed by an order of the State Government” by section 5(ii) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

5 These words were added by section 30(ii)(c) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

6 These words were inserted by section 34(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

7 The words “or an alderman” were omitted by section 2(1) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

8 These words were substituted for the words “next general meeting” by section 30(iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
1919: T.N. Act IV. *Madras City Municipal Corporation*

1[(53-A. 2][1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected or co-opted to be a councillor shall, before taking his seat, make, at a meeting of the council, an oath or affirmation in the following form, namely:—

"I, A. B., having been elected a councillor or co-opted a councillor of this council, do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

2] Any person who having been elected or co-opted to be a councillor, fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

3] Any person who having been elected or co-opted to be a councillor shall not take his seat at a meeting of the council or

---

1 This section was inserted by section 31 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "or elected an alderman" and "elected alderman" in the original sub-section (1) were omitted by section 20 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958). The words "elected or co-opted" were substituted for the words "elected or appointed" by section 35 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961) and the expression "co-opted a councillor" was substituted for the expression "elected a councillor" by section 35 (ii), ibid.

3 The present sub-section (1) and the marginal note were substituted by section 2 of the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964).

4 These words were substituted for the words "elected or appointed" by section 35 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

5 The words "or elected an alderman" were omitted by section 20 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
do any act as such councillor \[1\]
unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3) a Mayor or Deputy Mayor or the chairman or a member of a \[2\] standing committee, who has not made the oath or affirmation as a councillor \[3\] shall be entitled to act as such Mayor, Deputy Mayor, chairman, or member:

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the council which he attends within two months after he is elected as a Mayor, Deputy Mayor, chairman or member, as the case may be.]

54. (1) Whenever it is alleged that any person who has been elected \[4\] or co-opted as a councillor \[5\] is disqualified

1 The words “or alderman” were omitted by section 2(2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 The words “committee constituted under this Act” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “committee constituted under this Act” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 These words were substituted for the words “or appointed” by section 36 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 The words “or elected as an alderman” were omitted by section 21 of the Madras City Municipal (Amendment) Act 1958 (Tamil Nadu Act XXIV of 1958).
under section 52 or section 53 \(^1\) [or section 53-A \(^\text{I}\)] and such person does not admit the allegation or whenever any councillor \(^2\) is himself in doubt whether or not he has become disqualified for office, such councillor \(^3\) or any other councillor \(^4\) may, and the commissioner, at the request of the council, \(^5\) [or on a direction from the (State Government)] shall apply to the Chief Judge of the Small Cause Court.

(2) The said Chief Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 52 or section 53 \(^6\) [or section 53-A \(^{\text{II}}\)] and his decision shall be final.

\(^6\) \((3)\) Until an application has been made under sub-section (1) and a decision thereon has been obtained, such person shall be entitled to act as if he were not disqualified.

---

\(^1\) These words, figures and letter were inserted by section 32 (i) (b) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^2\) The words "or alderman" were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

\(^3\) These words were inserted by section 32 (6) (d) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^4\) The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

\(^5\) These words, figures and letter were inserted by section 32 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^6\) This sub-section was substituted for original sub-section (3) by section 32 (iii), 1958.
124 Madras City Municipal Corporation

General Rules for Election and ¹[Co-option].

²[55.] ²The term of office of councillors shall, save as otherwise expressly provided in this Act, be (five years) beginning and expiring at noon on such date as the State Government may, by notification, appoint in that behalf.]

⁵[Provided that the State Government may, by notification, for sufficient cause, direct that the term of office of the councillors as a whole be extended or reduced by such period not exceeding ⁶[one year] as may be specified in the notification.]

⁷55-A. ⁸[(1) (a) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall, subject to the approval of the

1 This word was substituted for the word “Appointment” by section 37 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

* Original sub-section (1) of section 55 was renumbered as section 55 by section 33 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

* The words “and aldermen” occurring in this section were omitted by section 22 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXVIII of 1958). The present first paragraph was substituted by section 2 (3) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).

* These words were substituted for the words “three years” by section 18 (1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

* This proviso was added by section 6 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

* These words were substituted for the words “three months” by section 18 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

* Original sub-sections (2), (3) and (4) of section 55 were renumbered as sub-sections (1), (2) and (3) respectively of section 55-A by section 33 (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

* The words “elected councillors” were substituted for the words “divisional councillors” in sub-section (1) and the words “elected councillor” were substituted for the words “divisional councillor” in sub-section (2) by section 38 (1) and (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the present sub-sections (1) and (2) were substituted by section 7 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
State Government, be fixed by the Commissioner to take place on such days within three months before the occurrence of the vacancies as he thinks fit:

Provided that the State Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(b) A casual vacancy in the office of an elected councillor shall be filled at a casual election which shall, subject to the approval of the State Government, be fixed by the Commissioner to take place as soon as may be after the occurrence of the vacancy:

Provided that no casual election shall be held to fill a vacancy occurring within six months before the date of retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

1[(2)] Notwithstanding anything contained in this Act, the State Government may, for sufficient cause, direct from time to time the postponement or alteration of the date of an ordinary or casual election or any stage of any such election.

1[(3)] A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

1 Original sub-sections (2), (3) and (4) of section 55 were renumbered as sub-sections (1), (2) and (3) respectively of section 56-A by section 33 (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The word "divisional" was omitted by section 38 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(4) If a casual vacancy in the office of a co-opted councillor arises, the elected members of the council shall in accordance with the rules made by the State Government under sub-section (4) of section 5, co-opt to the council as its councillor a person who is a member of the Scheduled Castes or the Scheduled Tribes [or who is a woman, as the case may be, and] eligible for being elected as a councillor from any one of the divisions.

(5) If, in any casual election held to fill a casual vacancy in the office of an elected councillor held by a person who is a member of the Scheduled Castes or the Scheduled Tribes or, as the case may be, a woman, the person elected to such office is not a person who is a member of the Scheduled Castes or the Scheduled Tribes, as the case may be, or a woman, then, the elected members of the council shall in accordance with the rules made by the State Government under sub-section (4) of section 5, co-opt to the council as its councillor a person who is a member of the Scheduled Castes or the Scheduled Tribes or, as the case may be, a woman, eligible for being elected as a councillor from any one of the divisions.

---

1 This sub-section was substituted by section 19 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971) for the following sub-section added by section 38 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

"(4) If a casual vacancy in the office of a co-opted councillor arises, the elected members of the council shall, in accordance with the rules made by the State Government under sub-section (2) of section 5, co-opt to the council as its councillor a person belonging to a Scheduled Caste and eligible for being elected as a councillor from any one of the divisions of the circle to which such casual vacancy relates and the person so co-opted shall be a member of the circle committee for such circle."

2 These words were substituted for the words "and eligible for being elected as a councillor from any one of the divisions of the circle to which the casual vacancy relates or a woman who is" by section 9 (1) of the Madras City Municipal Corporation and Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

3 The following sub-section (5) was added by section 38 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

Pl. see footnote at p. 127 infra.
Tribes or, as the case may be, a woman, and eligible for being elected as a councillor from any one of the divisions.

"(5) If, after a person is elected at a casual election held to fill a casual vacancy in the office of an elected councillor for any division in a circle there is no elected councillor belonging to a Scheduled Caste from any one of the divisions in such circle and there is no councillor co-opted under section 5 for such circle, then, the elected members of the council shall, in accordance with the rules made by the State Government under sub-section (2) of section 5, co-opt to the council as its councillor a person belonging to a Scheduled Caste and eligible for being elected as a councillor from any one of the divisions in such circle and the person so co-opted shall be a member of the circle committee for such circle". For the said sub-section (5), the following sub-section was substituted by section 19 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971):

"(5) If, after a person is elected at a casual election held to fill a casual vacancy in the office of an elected councillor for any division in a circle, there is no elected councillor belonging to the Scheduled Castes or the Scheduled Tribes for any one of the divisions in such circle, or if such office of an elected councillor was held by a woman and if the person elected to such office is not a woman, then, the elected members of the council shall in accordance with the rules made by the State Government under sub-section (4) of section 5, co-opt to the council as its councillor a person who is a member of the Scheduled Castes or the Scheduled Tribes and eligible for being elected as a councillor from any one of the divisions of such circle or as the case may be, a woman who is eligible for being elected as a councillor from any one of the divisions".

The present sub-section (5) was substituted by section 10 (i) of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).
128 Madras City Municipal Corporation

1 [(6) The term of office of a councillor co-opted under sub-section (4) or (5) shall continue for so long only as the councillor in whose place he is co-opted would have been entitled to hold office if the vacancy had not occurred.]

2 [55-B. (1) Notwithstanding anything contained in clause (a) of sub-section (1) of section 55-A, the Special Officer shall cause arrangements for elections to be conducted, so that the newly elected councillors may come into office on a day within a period of one year from the 30th day of November 1974:

Provided that the State Government may, by notification, extend the said period for a further period not exceeding six months.

(2) For the purposes of sub-section (1) of this section, clause (a) of sub-section (1) of section 55-A shall have effect, as if for the words "within three months before the occurrence of the vacancies as he thinks fit", the words "so as to ensure that the newly elected councillors come into office within the period specified in sub-section (1) of section 55-B" were substituted.]

---

1 This sub-section was added by section 38 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This section was inserted by section 3 of the Madras City Municipal Corporation Laws (Amendment) Act, 1973 (Tamil Nadu Act 34 of 1973).

3 This expression was substituted for the expression "within a period of six months from the date of the appointment of the Special Officer" by section 3 of the Tamil Nadu Local Authorities’ Laws (Second Amendment) Act, 1974 (Tamil Nadu Act 2 of 1975).
56. (1) If from any cause no councillor is elected at an ordinary election held under [section 55 r A], the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

"(2) If, in any such case, the retiring councillor is not willing to serve or if at a casual election no councillor is elected, the commissioner shall fix a day for a fresh election.

(3) The term of office of a councillor elected or deemed to have been re-elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

56-A. If there is an equality of votes between two or more candidates, the commissioner shall decide by drawing lots which candidate shall be deemed to have been elected.

56-B.

56-C.

57. (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 one division 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.

1[58. All elections of the Mayor [and Deputy Mayor] and all elections or [co-options] of councillors shall be notified in the [(Official Gazette).]]

59. (1) The [(State Government)] may make rules regulating the procedure with regard to [(elections and [co-options]).]

(2) Without prejudice to the generality of [sub-section (1)] such rules may—

8[(a) * * * * *]

---

1 This section was substituted for the original section by section 37 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were substituted for the words “Deputy Mayor and alderman” by section 25 of the Madras City Municipal (Amendment) Act, 1953 (Tamil Nadu Act XXIV of 1953).
3 This word was substituted for the word “appointments” by section 40 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
4 These words were substituted for the words “Fort St. George Gazette” by the Adaptation Order of 1937.
5 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
6 These words were substituted for the words “divisional and other elections” by section 38 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
7 This word was substituted for the word “appointments” by section 41 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
8 Clause (a) was omitted by section 2 (9) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act 11 of 1938).
(b) provide for the adjudication by the Court of Small Causes of disputes arising out of elections or (co-options); and

(c) provide for all matters not expressly provided for in this Act relating to the election of the Mayor, the Deputy Mayor [or councillors] including deposits to be made by candidates standing for election as councillors, and the conditions under which such deposits may be forfeited:

Provided that the deposit required shall not exceed one hundred rupees.

1 The words "relating to electoral rolls or" were omitted by section 2(9) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Madras Act II of 1938).

2 These words were substituted for the word "elections" by section 38(ii)(a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This word was substituted for the word "appointment" by section 41 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 This was added by section 38(ii)(b) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

5 These words were substituted for the words "councillors or aldermen" by section 26 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

6 The second proviso which ran as follows was omitted by section 2(i) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939):

"Provided further that no deposit shall be required from any candidate in respect of a seat reserved for members of the scheduled castes or for labour."

7 Sections 60 to 65 were omitted by section 39 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
66. [Every officer, clerk, agent or other person performing any duty in connection with the recording or counting of votes at an election] who, except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

2 66-A. Notwithstanding anything contained in section 171-F of the Indian Penal Code (Central Act XLV of 1860) any person who in connection with an election under this Act commits an offence of personation punishable under that section, shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine.

2 66-B. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

2 66-C. (1) No person shall convene, hold or attend any public meeting in any division within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election in that division.

1 These words were substituted for the words "Every polling office, clerk or other person in attendance at the polling room" by section 8 of the Madras City Municipal Corporation and District Municipalities Act (Amendment) Act, 1967 (Tamil Nadu Act 10 of 1967).

2 Sections 66-A to 66-N were inserted by Act 14 of 1971.
(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

166-D. (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing, the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any division between the earliest date for making nomination of candidates for an election and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

166-E. (1) No person shall print or publish, or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

(2) No person shall print or cause to be printed any election pamphlet or poster—

(a) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer together with one copy of the document to the commissioner.

(3) For the purposes of this section,—

(a) any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) 'election pamphlet or poster' means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

166-F. (1) No person who is a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

1 Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment Act, 1962 (Tamil Nadu Act 10 of 1962).
(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

166-G. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

1Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
(3) An offence punishable under this section shall be cognizable.

166-H. (1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of, the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may use such force, as may be necessary for preventing any person from committing the provisions of sub-section (1), for such purpose.
Explanation.—In this section, the expression "polling officer" means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

66-I. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorized in this behalf by such polling officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer, he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Explanation.—In this section, the expression 'polling officer' has the same meaning as in section 66-H.

66-J. (1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle, or vessel for the conveyance of any elector (other than the candidate himself, the members

---

1 Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
of his family or his agent) to or from any polling station:

Provided that nothing in this sub-section shall apply to—

(a) the hiring of a vehicle or vessel by an elector or several electors at their joint costs for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and

(b) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station.

Explanation.—In this sub-section the expression ‘vehicle’ means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

66-K. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other

---

1 Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression "official duty" shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

66-L. (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or willfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

1 Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
166-M. (1) No person at an election shall—

(a) fraudulently deface or fraudulently destroy any nomination paper; or

(b) fraudulently deface, destroy or remove any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper; or

(d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(e) fraudulently put into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of sub-section (1) shall—

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

Notes:

1. Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression 'official duty' shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

66-N. No court shall take cognizance of any offence punishable under section 66-F or under section 66-K or under clause (a) of sub-section (2) of section 66-M except on complaint in writing made by order of, or under authority from, the State Government.

67 to 70. *


---

1 Sections 66-A to 66-N were inserted by section 9 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

2 Sections 67, 68, 69 and 70 were omitted by section 39 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This section was substituted for original section 71 by section 40, ibid.

4 These words, figures and letters were substituted for the words and figures "under section 66" by section 10 of the Madras City Municipal Corporation and District Municipalities (Amendment Act, 1962 (Tamil Nadu Act 10 of 1962).

5 These words were inserted by section 42(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
being co-opted as a councillor) or from holding the office of councillor for a period of five years from the date of his conviction.

3 **Requisitioning of property for election purposes.**

371-A. (1) If it appears to the State Government that in connection with an election under this Act—

(a) any premises other than residential buildings actually occupied are needed or are likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government may, by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning:

Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

---

1 The words "or alderman" were omitted by section 2(2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 The words "or for such shorter period as the court may, by order, determine" were omitted by section 42(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 This heading and sections 71-A to 71-H were inserted in Chapter III by section 11 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

(4) In this section—

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

171-B. (1) Whenever in pursuance of section 71-A the State Government requisition any premises, there shall be paid by the Corporation to the persons interested compensation the amount of which shall be determined by the State Government by taking into consideration the following, namely:

(i) the rent payable in respect of the premises, or if no rent is so payable, the rent payable for similar premises in the locality:

Provided that the rent payable in respect of the premises to which the provisions of the Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960) apply shall be the fair rent payable for the premises under this Act.

1 Sections 71-A to 71-H were inserted in Chapter III by section 11 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
(ii) If in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination and shall be determined in accordance with the decision of such arbitrator.

Explanation.—In this sub-section, the expression 'person interested' means the person who was in actual possession of the premises requisitioned under section 71-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 71-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the Corporation to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the State Government within one month from the date of service of the order determining the compensation
for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

71-C. The State Government may, with a view to requisitioning any property under section 71-A or determining the compensation payable under section 71-B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

71-D. (1) Any person authorized in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 71-A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions 'premises' and 'vehicle' have the same meanings as in section 71-A.

71-E. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 71-A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

---

1 Sections 71-A to 71-H were inserted in Chapter III by section 11 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

171-F. (1) When any premises requisitioned under section 71-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 71-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

1 Sections 71-A to 71-H were inserted in Chapter III by section 11 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

171-G. The State Government may, by notification, delegate that any powers conferred or any duty imposed on the State Government by any of the provisions of sections 71-A to 71-F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

171-H. If any person contravenes any order made under section 71-A or section 71-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER IV.—GENERAL POWERS OF MUNICIPAL AUTHORITIES AS TO PROPERTY, CONTRACTS, ESTABLISHMENT.

Property.

73. The council may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.

74. Subject to the provisions of section 80, the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property:

---

1 Sections 71-A to 71-H were inserted in Chapter III by section 11 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

Section 72 was omitted by the Adaptation Order of 1937.
Provided that—

(a) the commissioner shall be bound by any resolution of the standing committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(b) the sanction of the standing committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation; and

(c) the sanction of the council shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees;

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

75. (1) Subject to the provisions of section 80, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed $[five thousand rupees] in each

---

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "two thousand and five hundred rupees" were substituted for the words "five hundred rupees" by section 43 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "five thousand rupees" were substituted for the words "two thousand and five hundred rupees" by section 20 (1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
instance, or grant for any term not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the commissioner shall be reported to the standing committee within fifteen days.

[(2) With the sanction of the standing committee on taxation and finance, the commissioner may lease or dispose by sale or exchange of any corporation movable property the value of which exceeds five thousand rupees but does not exceed ten thousand rupees in each instance and of any corporation immovable property the value of which does not exceed twenty-five thousand rupees or grant for any term not exceeding three years a lease of any corporation immovable property or a lease or concession of any such right as aforesaid.

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "ten thousand rupees" and "central committee" were substituted for the words "five thousand rupees" and "standing committee" respectively in original sub-section (2) by section 43 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961) and section 101 of, and Schedule I to, ibid. The present sub-sections (2) and (3) were substituted for original sub-sections (2) and (3) by section 20 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(3) With the sanction of the council, the commissioner may lease, sell or otherwise dispose of any corporation movable property, the value of which exceeds ten thousand rupees and of any corporation immovable property the value of which exceeds twenty-five thousand rupees.

(4) The sanction of the [standing committee on taxation and finance] under sub-section (2) or that of the council under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in regulations made by the [standing committee on taxation and finance] in that behalf.

76. Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee on taxation and finance" were substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 This sub-section was added by section 41 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

1[76A. The (State Government) may with the consent of the council transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation to undertake such management or execution:

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the (State Government).]

Contracts.

77. The council may determine either generally for any class of cases or specially for any particular case whether the commissioner shall execute works by contract or otherwise.

3[78. (1) The commissioner may sanction any estimate, the amount of which does not exceed fifty thousand rupees.

(2) When the amount of the estimate exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees, the sanction of the circle committee or the central committee, as the case may be, shall be required and when the amount of the estimate exceeds fifty thousand rupees but does not exceed one lakh of rupees, the sanction of the central committee shall be required.

This section was inserted by section 42 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

This section was substituted by section 21 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971) for the following section 78, which was again substituted for the original section 78 by section 44 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):

"78. Power of the several authorities to sanction estimates.—
(1) The commissioner may sanction any estimate, the amount of which does not exceed twenty-five thousand rupees.

(2) When the amount of the estimate exceeds twenty-five thousand rupees but does not exceed fifty thousand rupees, the sanction of the circle committee or the central committee, as the case may be, shall be required and when the amount of the estimate exceeds fifty thousand rupees but does not exceed one lakh of rupees, the sanction of the central committee shall be required."

Power of council to determine whether works shall be executed by contract.

Power of several authorities to sanction estimates.
(2) Where the amount of the estimate exceeds fifty thousand rupees, but does not exceed one lakh of rupees, the sanction of the standing committee shall be required; and when the amount of the estimate exceeds one lakh of rupees but does not exceed two lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required.]

79. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds 4[two lakhs of rupees],—

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the 5[standing committee on taxation and finance] shall lay the same before the council;

(b) the council shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications.

4 The words “one lakh of rupees” were substituted for the figures and word “:0,000 rupees” by section 45 (i) and 45 (ii) (a) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “two lakhs of rupees” were substituted for the words “one lakh of rupees” by section 22 (1) and 22 (2) (i) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

5 The words “central committee” were substituted for the words “standing committee” by section 45 (ii) (b) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and for the words “central committee”, the words “standing committee on taxation and finance” were substituted by section 12 (2) (ii) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(2) (a) Where the council approves the project, and the entire estimated cost exceeds \( \frac{7}{10} \) lakhs and fifty thousand rupees, the report, subject to any modifications as aforesaid, shall be submitted to the \( \frac{2}{1} \) [State Government].

(b) The \( \frac{2}{1} \) [State Government] may reject the project or may sanction it either in its entirety or subject to modification.

(c) The work shall not be commenced until the project has been sanctioned by the \( \frac{2}{1} \) [State Government] with or without modification.

(d) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the \( \frac{2}{1} \) [State Government].

80. (1) The council may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.

(2) With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely:—

(a) every contract shall be made on behalf of the corporation by the commissioner;

---

1 The words “five lakhs of rupees” were substituted for the words “two and a half lakhs of rupees” by section 45 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), and for the words “five lakhs of rupees”, the words “seven lakhs and fifty thousand rupees” were substituted by section 22 (3) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
(b) no contract for any purpose which, in accordance with any provision of this Act, the commissioner may not carry out without the sanction[^1] or approval of one of the other municipal authorities, shall be made by him unless such sanction[^1] or approval has been given;

[^2][[(c)  *  *  *  *  *  ]

[^2][[(d)  *  *  *  *  *  ]

[^3][[(e) every contract involving an expenditure not exceeding fifty thousand rupees may be made by the commissioner;

(f) no contract involving an expenditure exceeding one lakh of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee;

(g) no contract involving an expenditure exceeding one lakh of rupees but not exceeding two lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;

---

¹ These words were inserted by section 46 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

² Clauses (c) and (d) were omitted by section 46(ii), ibid.

³ These clauses were substituted by section 23 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971) for the following clause (c), which was again substituted for the original clause (e) by section 46 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):

"(e) every contract made by the commissioner shall, within fifteen days after it has been made, be reported to—

(i) the circle committee concerned, if the expenditure involved exceeds one thousand rupees but does not exceed ten thousand rupees, and

(ii) the central committee if the expenditure involved exceeds ten thousand rupees."
(h) no contract involving an expenditure exceeding two lakhs of rupees but not exceeding seven lakhs and fifty thousand rupees shall be made by the commissioner, unless it has been sanctioned by the council;

(i) no contract involving an expenditure exceeding seven lakhs and fifty thousand rupees shall be made by the commissioner, unless it has been sanctioned by the State Government;

(j) every contract made by the commissioner involving an expenditure exceeding two thousand rupees shall be reported to the standing committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per centum on the expenditure involved in the original contract.

81. (1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged:

Provided that—

(a) the common seal of the corporation shall be affixed to every contract which, if made between private persons, would require to be under seal; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding two thousand rupees shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

---

1 These words were substituted for the words "one thousand rupees" by section 24 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

1[(2) The common seal of the corporation shall remain in the custody of the commissioner and shall not be affixed to any contract or to other instrument except in the presence of the commissioner and the commissioner shall sign the contract or instrument in token that the same was sealed in his presence.]

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

Invitation of tenders.

2[82. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ten thousand rupees, the commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that the 3[standing committee on taxation and finance] in case the amount of contract exceeds ten thousand rupees, but does not exceed twenty-five thousand rupees, and the council, in case the amount of the contract exceeds twenty-five thousand rupees, may, at the instance of the commissioner and for reasons which shall be recorded in its proceedings, authorise the commissioner to enter into a contract without inviting tenders.

---

1 This sub-section was substituted for the original sub-section (2) by section 47 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This section was substituted for the original section 82 by section 48, ibid.

3 These words were substituted for the words "central committee" by section 25 (1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(2) Where the amount of any contract does not exceed fifty thousand rupees, the commissioner, on receipt of the tenders in respect of such contract made in pursuance of the notice given under sub-section (1), may, subject to the provisions of section 80, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous.

(3) (a) Where the amount of any contract exceeds fifty thousand rupees but does not exceed one lakh of rupees, the commissioner, on receipt of the tenders in respect of such contract made in pursuance of the notice given under sub-section (1), shall place the tenders before the standing committee, which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous, and thereupon the commissioner, shall, subject to the provisions of section 80, accept the tender so approved;

(b) Where the amount of any contract exceeds one lakh of rupees, but does not exceed two lakhs of rupees, the commissioner, on receipt of the tenders in respect of which such contract is made in pursuance of the notice given under sub-section (1), shall place the tenders before the standing committee on taxation and finance which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous, and thereupon the commissioner, shall, subject to the provisions of section 80, accept the tender so approved;

1 These words were substituted for the words "twenty-five thousand rupees" by section 25 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 This sub-section was substituted by section 25 (3) ibid for the following sub-section, namely:—

"(3) Where the amount of any contract exceeds twenty-five thousand rupees, the commissioner, on receipt of the tenders in respect of such contract made in pursuance of the notice given under sub-section (1), shall place the tenders before the contracts committee, which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous, and thereupon the commissioner shall, subject to the provisions of section 80, accept the tender so approved."
(c) Where the amount of any contract exceeds two lakhs of rupees, but does not exceed seven lakhs and fifty thousand rupees, the commissioner on receipt of the tenders in respect of which such contract is made in pursuance of the notice given under sub-section (1), shall place the tenders before the council which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous and thereupon the commissioner, shall, subject to the provisions of section 80, accept the tender so approved;

(d) Where the amount of any contract exceeds seven lakhs and fifty thousand rupees, the commissioner on receipt of the tenders in respect of which such contract is made in pursuance of the notice given under sub-section (1), shall place the tenders before the State Government which may approve any tender which appears to them, upon a view of all the circumstances, to be the most advantageous and thereupon the commissioner, shall, subject to the provisions of section 80, accept the tender so approved.]

83. When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 80, section 81 or section 82 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

84. The commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

Establishment.

85. (1) In addition to the two assistant commissioners and a personal assistant to the commissioner,

---

Sections 85 to 93 were substituted for original sections 85 to 97 by section 49 of the Madras City Municipal (Amendment) Act 1961 (Tamil Nadu Act 56 of 1961).
the corporation establishment shall consist of the following classes of officers, namely:—

Class I-A.—A health officer, an engineer, an electrical engineer, a waterworks engineer, a drainage engineer, a revenue officer, a chief accounts officer and an educational officer.

Class I-B.—Officers, who in the opinion of the council are of a status equivalent to the status of Class I-A officers appointed to serve under the corporation.

Class II.—Assistants to Class I-A and Class I-B officers.

Class III.—All other persons (not being persons holding posts in a service classified by the council as a last grade service) appointed to serve under the corporation.

Class IV.—All persons holding posts in a service classified by the council as a last grade service.

(2) All Class I-A and Class I-B officers shall be heads of departments working under the commissioner.

(3)¹[(a) Every appointment to any post included in Class I-A shall be made by the State Government.]²

(b) Every appointment to any post included in Class I-B or Class II shall be made by the council and shall be subject to confirmation by the State Government.

¹ This clause was substituted for the following clause (a) by section 6(1) of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965):—

"(d) Every appointment of a health officer, an engineer, an electrical engineer, a revenue officer, a chief accounts officer and an educational officer shall be made by the council from out of a panel of names prepared by the State Government."

² These words were substituted for the words, figures and letter "of any other officer included in Class I-A" by section 6(2) of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).
1 [(c) Appointments to all posts included in Class III and in Class IV and to all other posts not so included shall be made by the commissioner subject to the by-laws, if any, made by the council.]

286. (1) Save as otherwise provided in this Act, the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the corporation establishment shall be regulated—

(i) in the case of Class I-A, Class I-B and Class II officers, by rules made by the State Government in this behalf;

(ii) in the case of the employees included in Class III and Class IV, by by-laws made by the council under section 349:

Provided that any \[**\] Class I-B or Class II

---

\[1\] The following clause (c), *inter alia*, was first substituted by section 49 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):

"(c) Every appointment to any post included in Class III or Class IV shall be made by such officer or authority as may be prescribed."

For the said clause (c), the following clause was further substituted by section 6 (3) of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965):

"(c) Every appointment to any post included in Class III or Class IV shall be made by the authority specified in sub-section (2) of section 93."

For the said clause (c) the present clause (c) was again substituted by section 2 of the Madras City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 25 of 1972).

\[2\] Sections 85 to 93 were substituted for original sections 85 to 97 by section 49 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

\[3\] The word, figure and letter "Class I-A" were omitted by section 7(1)(a) of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).
officer may be removed from office by the State Government:

Provided further that—

(i) the amount of any salary, leave and leave allowances, allowances for house-rent, carriage hire, travelling expenses or any other allowances, gratuity or pension granted under the said by-laws shall in no case without the special sanction of the State Government exceed what would be admissible in the case of Government servants of similar standing and status, and

(ii) the conditions under which such salary and allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

(1-A) The State Government may—

(a) recover from the Corporation the whole or such proportion of the salary and allowances paid to any Class I-A officer and such contribution towards his leave allowances, pension and provident fund as the State Government may, by general or special order, determine;

(b) at any time, withdraw any Class I-A officer and appoint another in his place.

(2) No officer or other employee of the Corporation shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(3) No such officer or employee as aforesaid shall be dismissed or removed or reduced in rank.

1 These words were inserted by section 7 (1) (b) of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

2 This sub-section was inserted by section 7 (2), ibid.
until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub-section shall not apply—

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge:

(b) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for reasons to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or

(c) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that in the interests of the security of the State it is not expedient to give to that person such an opportunity.

(4) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (3) or whether in the interests of the security of the State it is not expedient to give to any person such an opportunity under that sub-section, the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

(5) Every officer of the Corporation establishment shall be a wholetime officer of the Corporation and no such officer shall undertake any work unconnected with his office without the permission of the Commissioner:

Provided that the order of the Commissioner granting such permission shall be placed before the next meeting of the council.
187. (1) If a vacancy occurs in any office included in Class I-B or Class II, or any new office in Class I-B or Class II is created, the council shall fill within three months appoint any qualified and suitable person to hold such office.

(2) If the State Government refuse to confirm the appointment so made, the council shall appoint some other qualified and suitable person within forty-five days from the receipt of the order refusing confirmation.

(3) In default of any appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, the State Government may appoint a person who in their opinion, is qualified and suitable to hold the office and such person shall be deemed to have been appointed by the council.

(4) Pending an appointment under sub-section (1) or sub-section (2), the council may appoint a person to hold the office temporarily and assign to him such salary as it may think fit:

Provided always that the salary so assigned shall not exceed the maximum fixed by the State Government by rules in respect of the office.

188. (1) If any Class I-B or Class II officer is a civil or military officer in the service of the Government, and if any other officer or servant serving having served under the Corporation, is or has been transferred from or to the service of the Government or is employed partly under the Government and partly under the Corporation, he shall be entitled to leave, pensionary and leave contributions of certain officers.

1 Sections 85 to 93 were substituted for original sections 85 to 97 by section 49 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 The word, figure and letter "Class I-A" were omitted by section 8 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

3 The word, figure and letter "Class I-A" were omitted by section 9(1), ibid.
and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the Corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required to be made by him or on his behalf under the rules and regulations of the branch of the Government service to which he belongs.

(2) If any such officer is not a civil or military officer in the service of the Government, his leave allowances, his superannuation or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the State Government:

Provided that—

(a) the amount of any such leave and leave allowances, [allowances for house-rent, carriage hire, travelling expenses or any other allowances], gratuity or pension shall in no case without the special sanction of the State Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(b) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

\(^2\) 89. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city, the State...
Government, if they consider immediate action necessary, may of their own motion appoint a special health officer wholly or partly at the expense of the municipal fund:

Provided that—

(a) the duration of the special office shall not exceed six months; and

(b) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

190. (1) The commissioner shall lay before the [standing committee on taxation and finance] a schedule setting forth the designations and grades of the officers (other than Class I-A Officers) and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them:

Provided that nothing contained in the schedule or proposals aforesaid shall be inconsistent with the rules or by-laws referred to in sub-section (1) of section 86.

(2) The [standing committee on taxation and finance] may either approve or amend such schedule as it thinks fit and shall lay it before the council with its remarks, if any.

(3) The council shall sanction such schedule with or without modifications as it thinks fit.

---

1 Sections 85 to 93 were substituted for original sections 85 to 97 by section 49 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the words "central committee" by section 26 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(4) The commissioner may, from time to time, lay before the standing committee on taxation and finance] for its remarks, if any, his proposals to amend the schedule sanctioned by the council under sub-section (3). The proposals of the commissioner together with the remarks of the standing committee on taxation and finance] thereon shall be placed before the council. The council may either approve, reject or modify the amendments aforesaid.

(5) No new office in Class I-B and no new office in any other class, the maximum monthly salary of which exceeds three hundred rupees shall be created without the sanction of the State Government.

2 91. Subject to the provisions of this Act and to the rules, by-laws and regulations for the time being in force, the commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings.

2 92. Leave may be granted to the [officers and servants of the corporation (other than the assistant commissioners, the personal assistant to the commissioner and Class I-A officers)] by the commissioner.

---

1 These words were substituted for the words “central committee” by section 26 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 Sections 85 to 93 were substituted for original sections 85 to 97 by section 4 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 These words, brackets, figure and letter were substituted for the words "corporation establishment" by section 10 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).
Sections 85 to 93 were substituted for original sections 85 to 97 by section 49 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961). The words "one member elected by the council" were again substituted for the words "the Chairman of the Central Committee" in sub-section (1) of section 93 by section 27 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971). The following section was subsequently omitted by section 3 of the Madras City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 25 of 1972):

93. Appointments committee.—(1) There shall be established an Appointments Committee which shall consist of the Mayor, one member elected by the council and the commissioner; and the Mayor shall be the Chairman of the Appointments Committee.

(2) Save as otherwise provided in this Act, appointments to all posts in Class III and in Class IV under the corporation, the pay or the maximum pay of which exceeds one hundred rupees per mensem, shall be made by the commissioner from the list of candidates approved by the Appointments Committee and in the order of preference indicated in that list. Appointments to all other posts in Class III and Class IV under the corporation shall be made by the commissioner subject to the by-laws made by the council:

Provided that in case of emergency—

(a) the commissioner may appoint temporarily such officers and servants as may, in his opinion, be required for the purposes of this Act and the employment of whom for any particular work has not been prohibited by any resolution of the council; and

(b) every such appointment made under clause (a) shall be reported by the commissioner to the Appointments Committee at its next meeting.
The following section 94, which was inserted by section 11 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965), was repealed and was deemed never to have been enacted by section 2(4) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968):

"94. Consultation with the Madras Public Service Commission.—No appointment to any post included in Class I-B, Class II or Class III shall be made except after consultation with the Madras Public Service Commission (hereinafter in this section and in section 95 referred to as "the Commission");

Provided that no such consultation with the Commission shall be necessary in regard to the appointment—

(a) to any acting or temporary post for a period not exceeding one year; or

(b) to such posts as may from time to time be specified by the State Government in consultation with the Commission; or

(c) to a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or any State Government; or

(d) to a permanent or temporary post, if the person to be appointed is not likely to hold that post for more than one year; or if such person is likely to hold the post for more than one year but not more than three years and the Commission advises that the appointment may be made without consulting the Commission."

96. (1) Notwithstanding anything contained in this Provincialisation Act, the State Government may, by notification, constitute any class of officers or servants of the corporation into a [civil service for the State of Tamil Nadu].

1 The following section 95, which was inserted by section 11 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965), was repealed and was deemed never to have been enacted by section 2 (4) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968):

"95. Power of the State Government to make regulations and reference to the State Government in case of difference between the Commission and the corporation.—(1) The State Government may make regulations for the following matters, namely:

(a) the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinising the same and selecting candidates for interview;

(b) the procedure to be followed by the Commission for selecting candidates for appointment and by the corporation for consultation with the Commission;

(c) any other matter which is incidental to, or necessary for, the purpose of consultation with the Commission.

(2) In the case of any difference of opinion between the Commission and the corporation on any matter, the corporation shall refer the matter to the State Government and the decision of the State Government thereon shall be final".

2 This section was inserted by section 11 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

3 These words were substituted for the words "corporation service" by section 2 (5) (a) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).

4 This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
(2) Upon the issue of a notification under subsection (1), the State Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the [civil service] thereby constituted and such rules may vest jurisdiction in relation to such service in the State Government or in such other authority or authorities as may be specified therein.

297. Notwithstanding anything contained in this Act or in the [Tamil Nadu] District Municipalities Act, 1920 ([Tamil Nadu] Act V of 1920), the State Government shall have power—

(a) to transfer any officer or servant of the corporation to the service of any municipality constituted under the [Tamil Nadu] District Municipalities Act, 1920 ([Tamil Nadu] Act V of 1920) or to transfer any officer or servant of any such municipality to the service of the corporation;

(b) to issue such general or special directions as they may think necessary for the purpose of giving due effect to any transfer made under clause (a).

---

1 These words were substituted for the words “corporation service” by section 2 (5) (b) of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).

2 This section was inserted by section 11 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).

3 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
98. The council may levy—

(a) a property tax,
(b) a tax on companies,
(c) a profession tax,
(d) a tax on carriages and animals,
(e) a tax on carts,
(f) a tax on timber brought into the city,

and may, with the previous sanction of the State Government, levy,

(g) a tax on advertisements

and may, with the previous sanction of the State Government, levy

(h) a duty on certain transfers of property in the shape of an additional stamp duty:

1 This word was substituted for the word "corporation" by section 52 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This was inserted by section 52 (ii), ibid.

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

4 The words "and the Governor-General in Council" were omitted by the Adaptation Order of 1937.

5 Original clause (g) was re-lettered as clause (h) by section 52 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Corporation

1 [Provided that the tax on companies shall only be leviable if it was being levied immediately before the commencement of \(^3\)(the Constitution) and shall only be leviable until provision to the contrary is made by \(^3\)(Parliament by law)].

4 [98-A. (1) Before the council passes any resolution imposing a tax or duty for the first time it shall direct the commissioner to publish a notice in the \(^4\)(Official Gazette) and in the local newspapers of its intention and fix a reasonable period not being less than one month from the date of publication of such notice in the \(^5\)(Official Gazette) for submission of objections. The council may, after considering the objections, if any, received within the period specified, determine by resolution to levy the tax or duty. Such resolution shall specify the rate at which, the date from which and the period of levy, if any, for which such tax or duty shall be levied.

(2) When the council shall have determined to levy any tax or duty for the first time or at a new rate, the commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.

(3) Any resolution abolishing an existing tax or duty or reducing the rate at which any tax or duty is levied shall not be carried into effect without the

---

1 This proviso was inserted by the Adaptation Order of 1937.

3 These words were substituted for "Part III of the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

5 These words were substituted for the words "the Central Legislature" by \textit{ibid.}.

4 This section was inserted by section 53 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

6 These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.
sanction of the 1(State Government), but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied; provided that such reduction does not contravene the proviso to sub-section (2) of section 99.

(4) Where any resolution under this section has taken effect for a particular year, no proposal to alter the rates or the date fixed in such resolution so far as that year is concerned shall be taken into consideration by the council without the sanction of or a direction from the 1(State Government).]

The Property Tax.

99. 2[(1) If the council by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within the city save those exempted by or under this Act or any other law. The property tax may comprise—

(a) a tax for general purposes;

(b) a water and drainage tax for the purpose of defraying the expenses connected with the water and drainage systems of the city;

(c) a lighting tax for the purpose of defraying the expenses connected with the lighting of the city:

Provided that where the water and drainage tax is levied the council shall declare what proportion of the tax is levied in respect of water-works and the

1The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2These sub-sections were substituted for original sub-sections (1) and (2) by section 54(i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notice published under subsection (2) of section 98-A.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings and lands as may be fixed by the council:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than 15½ per cent or greater than 20 per cent of its annual value.

(3) For the purpose of assessing the property tax the annual value of any building or land shall be determined by the commissioner:

Provided that the annual value of any building or land the tax for which is payable by the commissioner shall be determined by the Mayor.

100. (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year [less a deduction, in the case of buildings,
of ten per cent of that portion of such annual rent which is attributable to the buildings alone, apart from their sites and the adjacent lands occupied as an appurtenance thereto] and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that—

1 [(a) in the case of

(i) any Government or railway building; or

(ii) any building of a class not ordinarily let the gross annual rent of which cannot in the opinion of the commissioner be estimated.

The annual value of the premises shall be deemed to be six per cent of the total of the estimated market value of the land at the time of assessment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost, and]

(b) machinery [and furniture] shall be excluded from valuations under this section:

Provided further that where the annual value of any land or building is attributable partly to the use of such land or building or any portion thereof for the display of any advertisement or advertisements and tax is levied under this Act in respect of such advertisement or advertisements, the annual value of such land or building for the purpose of assessing the property tax thereon shall be ascertained as if such land, building or portion is not used for the display of such advertisement or advertisements.]
remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notice published under subsection (2) of section 98-A.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings and lands as may be fixed by the council:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than 15½ per cent or greater than 20 per cent of its annual value.]

(3) For the purpose of assessing the property tax, the annual value of any building or land shall be determined by the commissioner:

[Provided that the annual value of any building or land the tax for which is payable by the commissioner shall be determined by the Mayor.]

100. (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may [at the time of assessment] reasonably be expected to let from month to month or from year to year [less a deduction, in the case of buildings,

---

1 This proviso was added by section 54 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were inserted by section 55 (1), *ibid.*
3 These words were substituted for the words “less a deduction in the case of buildings only of ten per centum of such annual rent” by section 2(1) of the Madras City Municipal and District Municipalities (Amendment) Act, 1944 (Madras Act III of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948). This amendment should be deemed to have taken effect from the commencement of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936), which originally amended this sub-section by inserting the words “in the case of buildings only”.

---
(e) charitable hospitals and dispensaries but not including residential quarters attached thereto.

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the [State Government], but not including residential quarters attached thereto;

[(g)] burial and burning grounds included in the list published by the commissioner under section 321 (3) of this Act;

[(h)] the bed of the Cooum, the bed of the Adyar, the Buckingham canal, [(Gov ernment lands) set apart free for recreation purposes] and all such other (Government property) (being neither buildings nor land from which in the opinion of [the State Government] any income could be derived) as may from time to time be notified by the [State Government];

*The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

Original clauses (c), (d) and (e) were re-lettered as clauses (g), (h) and (i) respectively by section 56 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

These words were inserted by section 56 (iii), ibid.

The words "Crown lands" were substituted for the words "Government lands" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

These words were substituted for the words "and all such other property of Government not being buildings as may from time to time be notified by the Governor in Council with the consent of the Corporation" by section 56 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

The words "Crown property" were substituted for the words "property of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
1[Provided that “(the Government) does not derive any income from such beds”; and]

4[(i)] “[any building or land the annual value of which is less than thirty-six rupees provided that the owner thereof is not liable to profession-tax or income-tax and provided further that no other building or land is owned by him or the aggregate annual value of all the buildings and lands owned by him is less than thirty-six rupees:]

6[Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.]"

102. "[The rates of property tax fixed by the council may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land, but shall in no case decrease as the value of the building or land, increases. When a progressive rate has been adopted by the council,"

1 This proviso was inserted by section 56 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “the Crown” were substituted for the words “the Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.

3 This word was substituted for the word “do” by the Adaptation Order of 1937.

4 Original clauses (c), (d) and (e) were re-lettered as clauses (g), (h) and (i) respectively by section 56 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

5 This clause was substituted for original clause (e) re-lettered as (i), by section 56 (iv), ibid.

6 This proviso was added by section 2 (ii) of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Madras Act XXI of 1939).

7 This was substituted for the words “The council shall levy the property tax at a uniform rate” by section 57(i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
it shall prescribe the principles of classification (as that a certain sum which shall be tax-free shall be deducted from the assessment of each building or land or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class) and the precise number and limits of each class:]

Provided that—

(a) the council may, with the sanction of the 1[State Government], exempt any local area from the whole or a portion of the water and drainage tax or of the lighting tax on the ground that 2[such area is not deriving any or the full benefit] from the water-supply and drainage or from the lighting system;

3[--------------------]

3 [(b)] in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maxima per ground of land measuring two thousand and four hundred square feet:—

(i) for the water and drainage tax—three rupees;
(ii) for the lighting tax—one rupee;
(iii) for the tax for general purposes—four rupees;

3[(c)] in the case of lands and buildings vested in the trustees of the Port of Madras the property tax leviable in any year shall not exceed four per centum of the gross earnings made by the Port Trust in that year.

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the words "such areas are not deriving benefit" by section 57 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 Clause (b) was omitted and clauses (c) and (d) were relabeled as clauses (b) and (c) respectively by section 57 (iii), ibid.
103. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

104. The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule IV, be paid by the owner of the assessed premises within fifteen days after the commencement of the half-year.

105. (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the commissioner shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every claim for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

(3) (a) No claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the commissioner—

(i) that the building is vacant and unlet; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

---

*This section was substituted for original section 104 by section 58 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

*This section was substituted for original section 105 by section 59, *ibid.*
(b) The period in respect of which the remission is made shall be calculated—

(i) if remission is sought in respect of the half-year in which notice is delivered, from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later; and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(c) Every notice under clause (a) shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.

106. (1) Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer to the commissioner.

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the commissioner within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.
(4) Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall [(in addition to any other liability which he may incur through such neglect)] continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—

(a) the liability of the transferee for the payment of the said tax, or

(b) the prior claim of the corporation under section 103.

Owner's obligation to give notice of construction or re-construction or demolition of building.

[107. (1) (a) If any building in the city is constructed or re-constructed, the owner shall give notice thereof to the commissioner within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(b) If such date falls within the last two months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of so much, not exceeding a half, of the tax or enhanced tax as the case may be, payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding such date.

1 These words were inserted by section 60 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 Sections 107, 108 and 108-A were substituted for sections 107 and 108 by section 61, ibid.
(2) (a) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the commissioner, be liable for the payment of the property tax for which he would have been liable had the building not been demolished or destroyed.

(b) If such notice is given within the first two months of a half-year the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much, not exceeding a half, of the tax payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction as the case may be.

1 [108. (1) If any area is included in the city, the owner of every building or land in such area shall—

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; and

(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much, not exceeding a half, of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from the city, the owner of every building or land in such area shall be entitled—

(a) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year; and

1 Sections 107, 108 and 108-A were substituted for sections 107 and 108 by section 61 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).]
(b) if such date falls within the last four months of a half-year, to a remission of so much, not exceeding a half of the property tax payable in respect thereof for that half-year as is proportionate to the number of days in that half-year succeeding such date.

(3) No remission shall be granted under subsection (2) in respect of any building or land unless an application for such remission is made to the commissioner within three months from the date of the exclusion of the area in which the building or land is situated.]

1[108-A. The commissioner may at his discretion condone omissions to give notice *(under section 105, 106, 107 or 108), giving his reasons in writing for every such condonation.]

109. (1) For the purpose of assessing the property tax, the commissioner may, by notice, call on the owner or occupier of any building or land to furnish him *(within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fourteen days after such service in other cases) with returns of the rent payable for the building or land, the cost of erecting the building and the measurement of the land *(and with such other information as the commissioner may require), and every owner or occupier upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

---

1 Sections 107, 108 and 108-A were substituted for sections 107 and 108 by section 61 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words and figures were substituted for the words and figures "under sections 105, 106, 107 or 108" by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1965 (Tamil Nadu Act XXXVI of 1965).

3 These words were substituted for the words "within a week after the service of the notice" by section 62 (i) of Madras Act X of 1936.

4 These words were inserted by section 62 (ii), ibid.
(2) For the purpose aforesaid the commissioner may enter, inspect, survey and measure any building or land, after giving twenty-four hours' notice to the owner or occupier.

**Tax on Companies.**

[110. If the council by a resolution determines that a tax on companies shall be levied, every company which, after the date specified in the notice published under sub-section (2) of section 98-A transacts business within the city in any half-year for not less than sixty days in the aggregate shall pay, in addition to any licence fee that may be leviable under this Act, a half-yearly tax assessed in accordance with the rules in Schedule IV, but in no case exceeding rupees one thousand:

Provided that any society, which is registered or deemed to be registered under the *Madras Cooperative Societies Act, 1932,* and the paid-up capital of which is less than fifty thousand rupees and any other society registered or deemed to be registered under the [Companies Act, 1956] and intended solely for the benefit of poor and destitute families, which on the recommendation of the commissioner the council may by resolution exempt from the payment of the tax on companies, shall not be liable to the tax on companies, but such society shall be liable to profession tax.]

---

1 This section was substituted for original section 110 by section 63 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words and figures "Companies Act, 1956" were substituted for the words "Indian Companies Act" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

*Now the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961).*
3(111. (1) If the council by a resolution determines that a profession tax shall be levied, every person not liable to the tax on companies, who have exercised a profession, or an appointment within the city if the person has an office or place of employment within the city.

Explanation 2.—A touring officer whose headquarters is within the city shall be liable for the payment of profession tax even though he has not stayed at headquarters for the period specified in this subsection provided that his connexion with the appointment has subsisted for such period.

Explanation 3.—Every person who exercises a profession, art or calling or holds any appointment within the limits of Fort St. George shall be deemed to exercise such profession, art or calling or to hold such appointment within the city.

This section was substituted for original section 111 by section 64 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Explanation 4.—Any amount received by a person in commutation of his pension or any portion of his pension, shall not be deemed to be a pension within the meaning of this sub-section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) Nothing contained in this section shall be deemed to render a person who resides within the local limits of any local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities, liable to profession tax or more than the higher of the amounts of the tax leviable by any of the local authorities. In such case the (State Government) shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the (State Government) shall be final:]

[Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the (State Government) shall be subject to the concurrence of the Central Government.]

Liability of member of firm or undivided family for profession tax.

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1960.

2 This proviso was inserted by the Adaptation Order of 1937.

3 This word was substituted for the word "Provincial" by the Adaptation Order of 1960.

4 This section was substituted for original section 112 by section 65 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Provisions common to Companies' and Profession Tax.

113. (1) The expression "transacts business" in sections 110 and 111 shall be deemed to include the doing of acts of business of whatever nature, whether isolated or not, such as soliciting, obtaining or transmitting orders, or buying, making, manufacturing, exporting, importing, receiving, transmitting or otherwise dealing with goods.

(2) Where for the purpose of transacting business within the city a company or person has an office or has an agent or firm to represent it or him, the company or person shall be deemed to transact business within the city, whether or not such office, agent or firm has power to make binding contracts on behalf of the company or person; and the person in charge of such office or the agent or firm, as the case may be, shall be liable for the tax payable by the company or person.

(3) A company otherwise liable to the tax on companies under section 110 or a person otherwise liable to profession tax under section 111 shall not cease to be liable to such tax by reason only of its or his head office or the place from which its or his business is controlled, being situated outside the city or by reason only of the fact that its or his transactions are closed outside the city.

(4) Every company or person transacting business within the limits of Fort St. George, shall be deemed to transact such business within the city.

(5) If a company or person proves that it or he has paid the sum due on account of the companies' or profession tax levied under this Act or under

---

1 This section was substituted for original section 113 by section 66 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
[any other *(Tamil Nadu Act)*], or any tax of the nature of a companies’ or profession tax imposed under the Cantonments Act, 1924, for the same half-year, to the Corporation of Madras or any other municipal council or any *[panchayat union council, panchayat, township committee]* or cantonment authority in the *[State of Tamil Nadu]*, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence, to pay to the Corporation of Madras or any other municipal council or to any *[panchayat union council, panchayat, township committee]* or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the companies’ or profession tax for the half-year under this Act or any of the aforesaid Acts.

(6) If the companies’ or profession tax due from any company or person in respect of any half-year is not paid, the commissioner shall cause a notice to be served on such company or person to pay such tax within fifteen days of the date of such service.

*[113-A. All statements made, returns furnished or accounts or documents produced in connexion with the assessment of companies’ or profession tax tial.*]
by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.]

114. The commissioner may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names [and residential addresses] of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers] and specifying the profession, art, trade or calling or appointment of every such person and the rent, if any, paid by him [and the period of such occupation].

115. The commissioner may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club, or of a firm or company—

(a) to furnish within a specified time a list in writing of the names [and residential addresses] of all persons employed by such employer or by such office, hotel, boarding-house or club, firm or company as officers, servants, dubashes, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons; and

(b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, or the case may be, is the agent.

---

1 These words were inserted by section 51 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
2 These words were substituted for the words ‘persons occupying such building or land” by section 68 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
3 These words were added by section 68 (ii), ibid.
4 These words were inserted by section 62 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
5 This word was substituted for the words ‘incorporated company” by section 69 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Tax on Carriages and Animals.

116. (1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in Part III of Schedule IV.

117. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the city for an aggregate period of not less than sixty days in the half-year.

(2) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.

(3) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

* This sub-section was substituted for original sub-section (1) by section 70 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

* Sub-sections (2) and (3) were substituted for the proviso to sub-section (1) and original sub-sections (2) and (3) were renumbered as (2) and (5) by section 71, *ibid.*
118. The carriage and animal tax shall not be levied on--

(a) carriages and animals belonging to the Government;

(b) carriages and animals belonging to members of the city police or to officers or servants of the corporation employed on out-door duties, provided that the exemption under this clause shall extend only to a carriage or animal required to be kept by any such member, officer or servant for the discharge of his official duties;

(c) carriages and animals kept solely for sale by carriage-makers and dealers;

(d) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year;

(e) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or disused animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

119. With the sanction of the central committee or in accordance with regulations framed by that body, the commissioner may compound, for an annual period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

---

1 The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

2 These words were substituted for the words "town police" by section 72 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This proviso was substituted for the original proviso by ibid.

4 Clauses (f) and (g) were omitted by section 72 (ii), ibid.

5 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
120. (1) The commissioner may by notice require the occupier of any premises to furnish him with a statement—

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax;

(b) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the municipal office within one week from the date of his receipt of the notice.

1[120-A. (1) The Commissioner shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept by him as the commissioner considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, signed and dated and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-section (2) the commissioner shall cause a notice to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which in the opinion of the commissioner such person is liable on account of the tax on carriages and animals.]

121. When any person pays the amount of tax due in respect of any carriage or animal, the commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

1 This section was inserted by section 73 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
122. (1) The commissioner shall direct that a municipal number shall be affixed to every carriage kept within the City.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

123. Before registering any hackney carriage under the 2[Tamil Nadu] Hackney Carriage Act, 1911, the Commissioner of Police shall satisfy himself that the corporation has received payment of the tax, if any, due under section 116 on account of the last preceding half-year and the current half-year.

Tax on Carts.

124. 3[(1) If the council by a resolution determines that a tax shall be levied on carts, the commissioner shall levy the said tax half-yearly at the rate or rates (which shall not exceed eight rupees per cart per half-year) fixed by the council and from the date specified in the notice published under section 98-A on all classes of carts kept within the city:

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person:

---

1 This section was substituted for the original section 122 by section 53 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

3 These sub-sections were substituted for original sub-sections (1) and (2) by section 75 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Provided further that in the case of single bullock carts the tax shall not exceed four rupees half-yearly:

Provided further that in fixing the said rates, the council shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

(3) The commissioner may direct that a municipal number shall be affixed to every registered cart.

(4) The commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the municipal office.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

125. Nothing in section 124 shall apply to—

(a) gun carriages, ordnance carts or wagons or other such property of the *Government*; and

(b) carts kept solely for sale by cart-makers and dealers.

126. The commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's during the whole of the half-year.

---

1 The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

2 The words "or let out for hire" were omitted by section 76 of the Madras City Municipal (Amendment) Act, 1935 (Madras Act X of 1936).
196 Madras City Municipal [1919 : T.N. Act IV Corporation

Power to seize Carriages and Carts not bearing numbers.

127. If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 122 or section 124, as the case may be, the commissioner may at any time seize and detain the vehicle and the animal, if any, by which it is drawn:

Provided that no vehicle other than a bicycle, tricycle, ¹[........] or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

128. (1) If a vehicle or animal is detained under section 127 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(i) the tax, if any, due on the vehicle or animal sold;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct; and

(iii) the charges incurred in connexion with the seizure, detention and sale.

(2) If there is a surplus after such payment, the commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

¹The word “motor-bicycle” was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct; and

(iii) the charges incurred in connexion with the seizure and detention.

**Tax on Timber.**

1[129. (1) If the council by a resolution determines that a tax shall be levied on timber brought into the city, such tax shall be levied at such rates, not exceeding five rupees per ton, and in such manner as may be determined by the council:

Provided that no tax shall be levied on any timber brought into the city in the course of transit to any place outside the city and directly removed out of the city by rail, road or water.

(2) No timber shall, except in the case referred to in the proviso to sub-section (1), be brought into the city unless the tax due thereon has been paid.

(3) The tax shall be levied on timber kept within the city for sale if the commissioner has reason to believe that the tax, if any, due thereon has not been paid:

Provided that the tax shall not be levied if the person keeping the timber for sale produces satisfactory proof of the previous payment of the tax thereon.

(4) The commissioner may call for the accounts of any person keeping timber for sale for the purpose of levying the tax under sub-section (3).

---

1 This section was substituted for original section 129 by section 77 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(5) If the commissioner is satisfied that any person has willfully evaded the payment of any tax leviable under this section, the commissioner may direct that such person shall, in addition to such tax, pay by way of penalty a sum not exceeding the amount of such tax. Such penalty shall be recoverable in the same manner as the tax.

(6) The council may make by-laws for the seizure and sale of timber in respect of which the tax due is not paid and otherwise for carrying out all or any of the provisions relating to the levy of tax on timber.

1 [Tax on Advertisements.]

1[129-A. Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions as the council may, with the approval of the 2[State Government], by resolution determine:

Provided always that the rates shall be subject to the maxima and minima laid down by the 2[State Government] in this behalf:

Provided also that no tax shall be levied under this section on any advertisement or a notice—

(a) of a public meeting, or

1 This heading and sections 129-A to 129-F were inserted by section 78 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(b) of an election to any legislative body or the Corporation of Madras, or

(c) of a candidature in respect of such an election:

Provided further that no such tax shall be levied on any advertisement which is not a sky-sign and which

(a) is exhibited within the window of any building; or

(b) relates to the trade or business carried on within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or

(c) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) relates to the business of any railway company; or

(e) is exhibited within any railway station or upon any wall or other property of a railway company except any portion of the surface of such wall or property fronting any street.

Explanation 1.—The word ‘structure’ in this section shall include \(^1\)[any vehicle and] any movable board on wheels used as an advertisement or an advertisement medium.

Explanation 2.—The expression ‘sky-sign’ shall, in this section, mean any advertisement, supported on or attached to any post, pole, standard, frame-

---

\(^1\) These words were inserted by section 54 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame-work or other support. The expression ‘sky-sign’ shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement; or

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and ¹[does not extend] in height more than three feet above any part of the wall, or parapet or ridge to, against or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard,

¹ These words were substituted for the words “do not extend” by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).
platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Explanation 3.—'Public place' shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.]

\[129-B. (1) No advertisement shall, after the levy of the tax under section 129-A has been determined upon by the council, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the commissioner.

(2) The commissioner shall not grant such permission if—

(i) the advertisement contravenes any by-law made by the council under clause (28) of section 349; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2) in the case of an advertisement liable to the advertisement tax, the commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway company relating to the business of a railway company.]

\[Sections 129-A to 129-F were inserted by section 78 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).\]
The permission granted under section 129-B shall become void in the following cases, namely:—

(a) if the advertisement contravenes any by-law made by the council under clause (28) of section 349;

(b) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the Corporation Engineer;

(c) if any material change be made in the advertisement or any part thereof;

(d) if the advertisement or any part thereof falls otherwise than through accident;

(e) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(f) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

Sections 129-A to 129-F were inserted by section 78 of the Madras Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

1[129-E. If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.]

1[129-F. The Commissioner may farm out the collection of any tax on advertisements leviable under section 129-A for any period not exceeding one year at a time on such terms and conditions as may be provided for by by-laws made under section 349.]

2[130 to 134. * * * * * *]

Duty on Transfers of Property.

2[135. The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time

---

1 Sections 129-A to 129-F were inserted by section 78 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 Sections 130 to 134 and the heading thereto were omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931), which Act has now been repealed by the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974).
3 This section was substituted by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950 (Madras Act VII of 1950), for section 135 as amended by section 79 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936) and section 2 of the Madras City Municipal (Amendment) Act, 1945 (Madras Act XVII of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).
being in the ¹[State of Tamil Nadu], on every instrument of the description specified below, which relates to immovable property situated within the limits of the City; and

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument:—

<table>
<thead>
<tr>
<th>Description of instrument.</th>
<th>Amount on which duty should be levied.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Sale of immovable property.</td>
<td>The amount or value of the consideration for the sale, as set forth in the instrument.</td>
</tr>
<tr>
<td>(ii) Exchange of immovable property.</td>
<td>The value of the property of the greater value, as set forth in the instrument.</td>
</tr>
<tr>
<td>(iii) Gift of immovable property.</td>
<td>The value of the property, as set forth in the instrument.</td>
</tr>
<tr>
<td>(iv) Mortgage with possession of immovable property.</td>
<td>The amount secured by the mortgage, as set forth in the instrument.</td>
</tr>
</tbody>
</table>

136. On the introduction of the transfer duty,

(a) Section 27 of the ²[said Indian Stamp Act] shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the city.

¹ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

² These words were substituted for the words and figures "Indian Stamp Act, 1899" by section 80 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(b) Section 64 of the \[same Act] shall be read as if it referred to the corporation as well as the Government.

137. The \[State Government\] may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

\[General Provisions.\]

3[137-A. With the sanction of the \[State Government\] the council may exempt any person or class of persons wholly or in part from the payment of any tax. But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a councillor.]

3[137-B. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any half-year or year \[or has been assessed in any half-year or year at a rate lower than the rate at which he is assessable, or, in the case of property tax, has not been duly assessed\].

---

1 These words were substituted for the words and figures “Indian Stamp Act, 1899” by section 80 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

3 This heading and sections 137-A and 137-B were inserted by section 81 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 The words “or an alderman” were omitted by section 2 (1) of the Madras City Municipal (Amendment) Act, 1968 (Tamil Nadu Act XXIV of 1958).

5 These words were inserted by section 56 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
in any half-year or year consequent on the building or land concerned having escaped proper determination of its annual value), the commissioner may, at any time within three years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service: and the provisions of this Act and the rules made thereunder shall so far as may be apply as if the assessment was made in the half-year or year to which the tax or fee relates.]

138. The rules and tables embodied in Schedule IV shall be read as part of this chapter.

CHAPTER VI.—FINANCE.

The Municipal Fund.

139. All moneys received by the corporation shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of in accordance with the provisions of this Act, ¹[or other laws].

140. The ²[State Government] shall appoint auditors of the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be “public servants” within the meaning of section 21 of the Indian Penal Code.

141. With regard to the deposit, investment and expenditure of the municipal fund and the audit of the municipal accounts the rules in Schedule V shall be observed.

¹ These words were added by section 82 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

1 [141-A. (1) If the expenditure incurred by the 2 (State Government) or by any local authority in the 3 (State of Tamil Nadu) for any purpose authorized by or under Schedule V is such as to benefit the inhabitants of the city, the council may make contribution towards such expenditure.

(2) The 2 (State Government) may direct the council to show cause, within a period fixed by the 2 (State Government) in this behalf and not being less than one month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the council fails to show cause within the said period to the satisfaction of the 2 (State Government), the 2 (State Government) may direct it to make such contribution as they shall name and it shall be paid accordingly.]

Loans.

142. (1) The council may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties 1[....] fees and dues authorized by or under this Act, any sums of money which may be required—

(a) for the construction of works, 5[or]

Contributions to expenditure by other local authorities.

Loans.

Power of corporation to borrow money.

1 This section was inserted by section 83 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

3 This expression was substituted for the expression “Presidency of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

4 The word “tolls” was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931), which Act now stands repealed by the Tamil Nadu Motor Vehicles Taxation Act, 1974 (Tamil Nadu Act 13 of 1974).

5 The word “or” was added by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955, (Tamil Nadu Act XXXVI of 1955).
(b) for the acquisition of lands and buildings, or

\[\text{[(c) for slum clearance and construction of tenements, [or]}
\]

\[\text{[(d)] to pay off any debt due to the Government; or}
\]

\[\text{[(e)] to re-pay a loan previously raised under this Act or other Act previously in force:}
\]

\[\text{[Provided that—}
\]

(i) no loan shall be raised without the previous sanction of the (State Government) \[\text{[}
\]

and

(ii) the amount of the loan, the rate of interest and the terms including the date of flotation, the time and method of re-payments and the like shall be subject to the approval of the (State Government).

(2) When any sum of money has been borrowed under sub-section (1)—

(a) no portion thereof shall without the previous sanction of the (State Government) be applied to any purpose, other than that for which it was borrowed, and

\[\text{[These words were substituted for the word “land” by section 84 (1) (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).}
\]

\[\text{[New clause (c) was inserted and the original clauses (c) and (d) were re-lettered as clauses (d) and (e) by section 84 (1) (ii), ibid.}
\]

\[\text{[The word “or” was added by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).}
\]

\[\text{[This proviso was substituted for the original proviso by section 84 (1) (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).}
\]

\[\text{[The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.}
\]

\[\text{[The words and figures “or without previous publication of the application under the Local Authorities Loans Act, 1914 (Central Act IX of 1914) and the rules issued thereunder” were omitted by section 12 of the Madras City Municipal Corporation (Amendment) Act, 1965 (Tamil Nadu Act 15 of 1965).}
\]

\[\text{[The words “and where the loan exceeds twenty-five lakhs of rupees” also of the Governor-General in Council” were omitted by the Adaptation Order of 1937.}
\]
(b) [no portion of any sum of money borrowed under clause (a) or clause (c) of sub-section (1)] shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

143. The time for the re-payment of any money borrowed under section 142 shall in no case exceed sixty years, and the time for the re-payment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the *[State Government], extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

144. Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and re-payment of any sums borrowed otherwise shall not, except with the express sanction of the *[State Government], exceed twelve and a half per cent of the annual value of buildings and lands as determined under Chapter V.

145. All debentures issued under this chapter shall be in such form as the council, with the previous sanction of the *[State Government], may determine, and shall be transferable in such manner as shall be therein expressed; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

1This expression was substituted for the words, figure, letter and brackets, “no portion of any sum of money borrowed under sub-section (1), clause (a)” by section 84 (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
146. When any debenture or security issued under this Act is payable to two or more persons jointly, and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, Act 1872, the debenture or security shall be payable to the survivor or survivors of such persons:

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

147. When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effective receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

148. (1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested [by the commissioner] in—

(a) securities of [the Central or the State Government], or

---

1 These words were substituted for the words “under the order of the council” by section 85 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “the Central or the Provincial Government” were substituted for the words “the Government of India” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
(b) securities guaranteed[^1] by the Central or the State Government, or 

^[5](d) fixed deposit in any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970), and shall be invested in the joint names of[^6] the Secretary to the *[State Government]*, Finance Department and the *[Examiner of Local Fund Accounts, Tamil Nadu]*, to be held by them as trustees for the purpose of repaying at due date the debentures issued by the corporation. *[Every such investment shall be reported by the commissioner to the council within fifteen days.]*

[^1]: The words "by the Central or the Provincial Government" were substituted for the words "by the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[^2]: This clause was substituted for original clause (c) by section 85 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

[^3]: These words were substituted for the words "Calcutta, Bombay and Karachi municipal debentures" by the Adaptation (Amendment) Order of 1950.

[^4]: This word was added by section 2(i) of the Madras City Municipal Corporation (Amendment) Act, 1974 (Tamil Nadu Act 42 of 1974), which was deemed to have come into force on the 27th March 1973.

[^5]: This clause was inserted by section 2(ii), *ibid.*

[^6]: These words were substituted for the words "the Chief Secretary to the Government of Madras" by section 2 of the Madras City Municipal (Amendment) Act, 1924 (Madras Act IV of 1924).

[^7]: This expression was substituted for the expression "Government of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

[^8]: The words "Examiner of Local Fund Accounts, Madras" were substituted for the words "Accountant-General of Madras" by section 56 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and for the words "Examiner of Local Fund Accounts, Madras" the words "Examiner of Local Fund Accounts, Tamil Nadu" were substituted by paragraph 4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1976, which was deemed to have come into force on the 14th January 1969.

[^9]: This sentence was added by section 85 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in Madras municipal debentures, or is applied in paying off any part of a loan before the period fixed for re-payment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

149. The aforesaid trustees may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

Provided that when any loans or parts thereof have been consolidated under section 151, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

150. (1) The aforesaid trustees shall, at the end of every year, submit to the corporation a statement showing—

(a) the amount which has been invested during the year under section 148,

(b) the date of the last investment made previous to the submission of the statement.
(e) the aggregate amount of the securities
then in their hands, and

(d) the aggregate amount which has up to the
date of the statement been applied under section 149
in or towards discharging loans.

(2) Every such statement shall be laid before
the council and published.

151. (1) Notwithstanding anything to the contrary
contained in this chapter, the corporation may conso-
lidate all or any of their loans and for that purpose
may invite tenders for a new loan (to be called the
'municipal consolidated loan, 19') and invite the
holders of municipal debentures to exchange their
debentures for scrip of such loan.

(2) The terms of any such consolidated loan and
the form of its scrip and the rates at which exchange
into such consolidated loan shall be permitted
shall be subject to the prior approval of the [State
Government].

(3) The period for the extinction of any such con-
solidated loan shall not, without the sanction of the
[State Government] extend beyond the farthest date
within which any of the loans to be consolidated
would be otherwise repayable.

(4) The corporation shall provide for the re-
payment of any such consolidated loan by a sinking
fund in the manner laid down in section 148 having
regard to the amount transferred to such sinking
fund under section 149.

1 The words "Provincial Government" were substituted for
the words "Governor-General in Council", by the Adaptation
Order of 1937 and the word "State" was substituted for
"Provincial" by the Adaptation Order of 1950.
Priority of payments for interest and re-payment of loans over other payments due from the corporation.

152. All payments due from the corporation for interest on and re-payment of loans shall be made in priority to all other payments due from the corporation.

Attachment of municipal fund for recovery of money borrowed from Government.

153. (1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or cost due in respect thereof, be not repaid according to the conditions of the loan, the [State Government] may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the [State Government] shall in any way deal with the attached fund, but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

Budget.

154. (1) The commissioner shall in consultation with the heads of departments of the corporation prepare and submit to the standing committee on taxat

---

1 The words "Provincial Government" were substituted for words "Governor-General in Council" by the Adaptation of Laws (Central Government) Order of 1937 and the word "State" was substituted for "Province" by the Adaptation of Laws (Central Government) Order of 1950.

The words "central committee" were substituted for the words "standing committee" occurring in original sections 154 by sections 154 to 158 of the Madras City Municipal Corporation Act, 1971 (Tamil Nadu Act 22 of 1971).
and finance on or before the first day of January each year, a budget containing a detailed estimate of income and expenditure for the ensuing year, and if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall, submit his proposals in regard thereto; and the standing committee on taxation and finance shall in consultation with the other standing committees consider and finalise the budget estimate and submit the same with its recommendations, if any, to the council on or before the twentieth day of January, of each year.

(2) In such budget estimate the commissioner shall—

(a) provide for the payment as they fall due of all instalments of principal and interest for which the corporation may be liable on account of loans;

(b) allow for a cash balance, at the end of the year, of not less than one lakh and fifty thousand rupees under General Account—Revenue;

(c) allow for the allotment from General Account—Revenue of the corporation of such sum not exceeding ten per cent of the total amount at credit on the said account as is considered necessary for such expenditure as is of a capital nature:

Provided that no such allotment from the General Account—Revenue of the corporation shall be made by the commissioner in case where the said account of the year immediately preceding the year for which such allotment is proposed discloses a deficit balance:

Provided further that in all cases where allotment of any sum exceeding ten per cent of the total amount at credit in the General Account—Revenue of the corporation is considered necessary, then, the previous approval of the State Government for such allotment shall be obtained by the commissioner.
(3) The commissioner shall cause the budget estimate as finally prepared by the standing committee on taxation and finance to be published not later than the first day of February and shall, not later than the said date forward a printed copy thereof to each councillor.

155. The council shall, at its meeting to be convened for the purpose on or before the first day of March, consider and approve on or before the fifteenth day of March the budget estimate and proposals placed before it by the standing committee on taxation and finance with or without modifications and additions; and in any case the council shall, finally adopt a budget estimate of income and expenditure of the corporation for the next year, as finalised by the standing committee on taxation and finance, on or before the said date.

156. The council may refer the budget estimate back to the standing committee on taxation and finance for further consideration and resubmission.

The words "central committee" were substituted for the words "standing committee on Taxation and Finance" in sub-section (1) and for the words "standing committee" in sub-section (2) of original section 155 and the words "the circle committees" were substituted for the words "other standing committees" in sub-section (1) thereof by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

The following sub-section was substituted for sub-section (3) by section 57, ibid.:-

"(3) The commissioner shall cause the budget estimate as finally approved by the central committee to be published not later than the fifteenth day of February and shall, not later than the said date, forward a printed copy thereof to each councillor."

The present sections 154 to 158 were substituted for the original sections 154 to 158 by section 28 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

The words "as approved by the central committee" were substituted for the words "preparation by the standing committee" in original section 156 by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961). The present sections 154 to 158 were substituted for the original sections 154 to 158 by section 28 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
within a specified time well in advance of the due date specified in section 155 or adopt the budget estimate or any revised budget estimate submitted to it either as it stands, or subject to such alterations as it deems expedient:

Provided that the budget estimate finally adopted by the council shall make adequate and suitable provisions for each of the matters referred to in clauses (a) to (c) of sub-section (2) of section 154:

Provided further that in all cases where the council proposes to refer the budget estimate back to the standing committee on taxation and finance for reconsideration, the council shall refer the said budget estimate to the said standing committee well in advance of the due date specified in section 155 so as to ensure that the budget estimate as finalised by the said standing committee is finally adopted by the council before the date specified in the said section.

157. The council shall finally pass the budget estimate before the fifteenth day of March of the year to which it relates and forthwith submit a copy thereof to the State Government. If the budget as submitted to the State Government fails to make adequate and suitable provision for each of the matters referred to in clauses (a) to (c) of sub-section (2) of section 154, the State Government may modify any part of the budget so as to ensure that such provisions are made.

1 The words "central committee" were substituted for the words "standing committee" in original section 157 by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961). The present sections 154 to 158 were substituted for the original sections 154 to 158 by section 28 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act 1971 (Tamil Nadu Act 22 of 1971).
158. Notwithstanding anything contained in this Act, if the council in any case fails to adopt finally the budget before the due date referred to in section 157 and if such failure, is in the opinion of the State Government, not due to any valid reason, then, the State Government may direct the commissioner to forward the budget as prepared by him and as finalised by the standing committee on taxation and finance, to them for approval; and the commissioner shall forthwith forward the budget as prepared by him and as finalised by the said standing committee to the State Government who shall scrutinise the budget and intimate their approval to the commissioner on or before the first day of April of the year.

159. The council may, on the recommendation of the[[standing committee]] from time to time during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirements arising during that year, but not so that the estimated cash balance 3[under General Account—Revenue] at the close of the year shall be reduced below 4[one lakh and fifty thousand rupees.]

5[160. * * * * *]
161. (1) The standing committee] may, if it thinks necessary, at any time during the year—

(a) reduce the amount of a budget grant; or

(b) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant:

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Act;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the council shall not be increased except by the council under section 159;

(iii) every such reduction or transfer shall be brought to the notice of the council at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding Rs. 500, the council may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the standing committee and the commissioner to give effect to the said order.

162. (1) If it shall at any time during any year appear to the council, upon the representation of the standing committee, that, notwithstanding any reduction of budget grants that may have been made under section 161, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year

The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
a cash balance of not less than 1[one lakh and fifty thousand rupees] under General Account—Revenue, it shall be incumbent on the council either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than 1[one lakh and fifty thousand rupees] under General Account—Revenue] at the close of the year.

(2) Whenever the council determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in Chapter V.

PART IV.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII.—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Public Water-supply.

163. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the 2[Government]) connected with the supply of water to the city whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials,

1 These words were substituted for the words “one lakh of rupees” by section 91 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The word “Crown” was substituted for the word “Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.
and other things connected therewith and all land (not being private property or property vested in the \[Government\]) adjacent and appertaining to the same, shall vest in the corporation \[and be subject to its control].

\[164. (1)\] The Corporation may, with the sanction of the \[State Government\], construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes or other works without the limits of the city for supplying it with water, and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

\[165. (1)\] The corporation shall provide a supply of wholesome drinking water within the city and shall erect sufficient stand-pipes, fountains, or other conveniences for the gratuitous supply of water.

(2) The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

---

1 The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

2 These words were added by section 92 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 Original section 164 was renumbered as sub-section (1) of section 164 by section 93, \[ibid\].

4 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

6 This sub-section was added by section 93 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Trespass on water-supply premises.

166. It shall not be lawful for any person except with permission duly obtained to enter on land vested in the corporation along which a conduit or pipe runs or on any premises connected with the water-supply.

Prohibition of building over water-mains.

167. (1) Without the permission of the commissioner no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed the commissioner may, with the approval of the [standing committee], cause the same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-supply.

168. All house-connexion, whether within or without the premises to which they belong, with the corporation's water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong, or for the use of which they were constructed, and in conformity with by-laws made in that behalf.

169. (1) The commissioner may on application by the owner or occupier of any building, arrange, in accordance with the by-laws, to supply water thereto for domestic consumption and use:

*The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
Provided that the commissioner shall not without the sanction of the \(^1\) [standing committee] agree to supply water to any building assessed at an annual value of less than \(^2\) [sixty] rupees.

(2) Whenever it appears to the commissioner that any dwelling-house assessed at an annual value of not less than \(^2\) [sixty] rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws.

(3) It shall not be lawful for the owner of any dwelling-house assessed at an annual value of not less than \(^2\) [sixty] rupees which may be constructed or re-constructed after the commencement of this Act, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the commissioner to be sufficient for domestic consumption and use of the inmates of the house.

\(^3\) (4) Where on any land there are two or more superstructures the annual value of each of which is less than sixty rupees and the owner of the land is not the owner of all the superstructures, the

---

\(^1\) The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

\(^2\) This word was substituted for the words “one hundred and twenty” by section 2 of the Madras City Municipal (Amendment) Act, 1924 (Madras Act VI of 1925).

\(^3\) This sub-section was substituted for original sub-section (4) by section 94 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
The commissioner may, if it appears to him, that the superstructures are without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of any such superstructure, by notice, require the owner of the land to obtain such supply.

(5) For all water supplied under this section, in excess of a maximum determined by regulations of the 1[standing committee], payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(a) for any trade, manufacture or business,

(b) for gardens or for purposes of irrigation,

(c) for building purposes,

(d) for fountains, swimming baths, public baths, 2[or tanks] or for any ornamental or mechanical purpose,

2[(e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom, or

(f) for washing vehicles where they are kept for sale or hire.]

1 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 and Schedule I to, the Madras City Municipal Corporation, Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 These words were substituted for the words “tanks in or near temples and churches and mosques” by section 94 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths,

(iii) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates,

(iv) for the consumption and use of persons resorting to theatres and cinemas.]

Private Water-supply for non-domestic purposes.

170. (1) The commissioner may, with the sanction of the [standing committee], supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and such conditions shall be imposed as may be laid down by the [standing committee] by general or special order [and the amount shall be recoverable in the same manner as the property tax].

Supply in special cases.

171. The corporation shall if required supply Fort St. George and the Port Trust with water and may supply any other local authority whether within

---

1 This word and clause were added by section 94 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 These words were added by section 95 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
or without the city, on such terms as to payment and as to the period and conditions of supply as shall be determined by the council, subject to appeal in respect of such terms to the ¹ [State Government], whose decision shall be final.

² [Cost of making the connexion, etc.]

²[171-A. (1) Where an owner or occupier applies for a connexion for the supply of water, he shall pay the cost of making such connexion as well as the cost of the meter, if any, and the charge for fixing it.

(2) Where a connexion for the supply of water is made at the instance of the commissioner, he may require the owner or occupier concerned to pay—

(a) the cost of making the connexion;

(b) the cost of the meter, if any, or such rent in respect thereof as may be fixed by the council; and

(c) the charge for fixing the meter, if any.

(3) Where at the instance of the commissioner a meter is fixed to any connexion for the supply of water, he may require the owner or occupier concerned to pay—

(a) the cost of the meter or such rent in respect thereof as may be fixed by the council; and

(b) the charge for fixing the meter.

(4) All sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the water and drainage tax.

¹ The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1950, and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

² The heading and section 171-A were inserted by section 96 of the Madras City Municipal (Amendment) Act, 1936 (Mad. Act X of 1936).
(5) Where an occupier has paid the cost of a meter or of fixing the same, he shall, unless the meter has been fixed as part of a connexion for which he has applied, be entitled to recover such cost from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Cutting off Water-supply.

172. (1) The commissioner may cut off the supply of corporation water from any premises—

(a) if the premises are unoccupied;

(b) if a meter is not fixed to the service connexion of the premises in accordance with the provisions of the by-laws made by the council under section 349;

(c) if the owner or occupier neglects to comply with any lawful order or requisition regarding water-supply issued by the commissioner within the period specified therein;

(d) if any water-tax or any sum due for water or for the cost of making a connexion or the cost or hire of a meter or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such tax or sum has been presented;

(e) if after receipt of a notice from the commissioner requiring him to refrain from doing the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;

Clauses (b) and (c) were inserted, and the original clauses (b'), (c), (d), (e), (f) and (g) were relettered as clauses (d), (e), (f), (h), (i) and (j) respectively, by section 97(i)(a) of the Madras City Municipals (Amendment) Act, 1936 (Madras Act X of 1936).

These words were substituted for the words “thirty days” by section 97(i)(b), ibid.

125–13–15a
[(f)] if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying corporation water;

[(g)] if the occupier refuses to admit the commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connexion with the water-supply, or prevents the commissioner doing such work, placing or removing such apparatus or making such examination or inquiry;

[(h)] if any pipes, taps, works or fittings connected with the corporation water-supply are found on examination by the commissioner to be out of repair to such an extent as to cause waste or contamination of water;

[(i)] if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed, removed, repaired or otherwise interfered with in violation of the by-laws:

Provided that in cases falling under clause (f), (g), (h) or (i) the commissioner shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

[(2) (a)] The owner and the occupier of the premises shall be jointly and severally liable for the payment of all the sums referred to in clause (d) of subsection (1), except water-tax.

(b) The sums referred to in clause (a) shall be a charge on the premises.

1 [Clauses (a) and (c) were inserted, and the original clauses (b), (c), (d), (e), (f) and (g) were relettered as clauses (d), (e), (f), (g), (h) and (i) respectively, by section 97 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

This proviso was added by section 97 (i) (c), ibid.

New sub-section (2) was inserted, and original sub-sections (2), (3) and (4) were renumbered as sub-sections (3), (4) and (5) respectively, by section 97 (ii), ibid.]
The expense of cutting off the supply shall be paid by the owner and occupier of the premises jointly and severally.

In cases under clause (d) of sub-section (1) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the commissioner shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the corporation waterworks.

No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting.

The commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas, oil, or such other illuminant as the council may determine.

Public Drainage.

All public drains, pipes and drainage works existing at the time of the coming into operation of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

1 New sub-section (2) was inserted, and original sub-sections (2), (3) and (4) were renumbered as sub-sections (3), (4) and (5) respectively, by section 97 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words "owner or occupier of the premises" by section 97 (iii), ibid.

3 This expression was substituted for the expression "under clause (b)" by section 97 (iv), ibid.
176. The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the city.

Private Drainage.

177. All house-drains whether within or without the premises to which they belong, and all private latrines and cess-pools within the city shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with by-laws framed by the council in this behalf.

178. (1) The commissioner shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the by-laws, for the connexion, if practicable, of the applicant's drain with a public drain at the applicant's expense.

(2) If there is a public drain or other place set apart by the corporation for the discharge of the drainage within a distance not exceeding one hundred feet of the nearest point on any premises or if within such distance, a public drain or other place for the discharge of drainage is about to be provided or is in the process of construction, the commissioner may—

(a) by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place and to execute all such works as may be necessary in accordance with the by-laws at such owner's expense, or

(b) cause to be constructed a drain leading from the said premises to such public drain or place and cause to be executed all such works as may be necessary:

---

1 This sub-section was substituted for original sub-section (2) by section 58 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
Provided that—

(i) not less than fifteen days before constructing any drain or executing any work under clause (b), the commissioner shall give notice to the owner of the nature of the intended work and the estimated expenses recoverable from the owner; and

(ii) the expenses incurred by the commissioner in constructing any drain or executing any work under clause (b) shall be recoverable from the owner in such instalments as the central committee may think fit and in the same manner as the property tax.]

(3) If any premises are in the opinion of the commissioner without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or other place set apart by the corporation for the discharge of drainage, the commissioner may by notice direct the owner of the said premises to construct a closed cess-pool [or other sewage disposal plant] of such material, dimensions and description, in such position and at such level as the commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the by-laws.

(4) It shall not be lawful for the owner of any building constructed or reconstructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the commissioner that the said building is provided with such means of drainage as appear to the commissioner to be sufficient.

---

1 These words were inserted by section 98 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
179. (1) When the Commissioner is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, already existing or about to be provided or in the process of construction, may be drained more economically or advantageously in combination than separately, the commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the commissioner to be best suited therefor and the expenses incurred by the commissioner in so doing shall be paid by the owners in such proportions as the standing committee may think fit and shall be recoverable in the same manner as the property tax.

(2) Not less than fifteen days before any work under this section is commenced, the commissioner shall give written notice to the owners of—

(a) the nature of the intended work,
(b) the estimated expenses thereof, and
(c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain.
Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the commissioner adapted to the general drainage system of the city, or of the part of the city in which such drain is situated, the commissioner, with the approval of the [standing committee], may—

(a) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(b) direct that such drain shall, from such date as he fixes in this behalf, be used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or

---

1 The words "circle committee concerned" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "circle committee concerned" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
other place aforesaid and the expense of the construction of any drain so provided by the commissioner and of any work done shall be paid by the corporation.

181. (1) Without the permission of the commissioner no person shall place or construct any fence, building, culvert, pipe, drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 387.

182. (1) The commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain-coverings shall be [of such form and size and consist of such materials and be provided with such means of ventilation] as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

183. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the commissioner, put up, and thenceforward, maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging such water in such manner as the commissioner may allow.

1 These words were substituted for the words “of the form and size and consist of such materials” by section 100 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Public Latrines.

184. The corporation shall provide and maintain provision of in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

185. (1) The commissioner may license for any licensing of period not exceeding one year the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

Private Latrines.

186. (1) The commissioner may, by notice, require provision of the owner or occupier of any building, within such time and in accordance with such directions as may be specified therein, to provide flush-out or other latrines for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to a more suitable place any existing latrine. Such owner or occupier shall keep every such latrine clean and in proper order.

(2) Every owner or occupier of the ground on which any block of huts stands shall, within such time and in accordance with such directions as may be specified in a notice issued by the commissioner, provide flush-out or other latrines for the use of the inhabitants of such block of huts or alter or remove from an unsuitable to a more suitable place any existing latrine and shall keep the same clean and in proper order.

1 This section was substituted for original section 186 by section 101 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Provision of latrines and urinals for labourers.

187. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed \[flush-out or other latrines\] of such description and number as the commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for markets, cart-stands and cattle-stands.

188. The commissioner may by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway station, dock, wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex \[flush-out or other latrines\] of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Latrines to be screened from view.

189. All \[flush-out or other latrines\] shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

190. The commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the city, and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights

\[ These words were substituted for the word “latrines” by section 102 of the Madras City Municipal (Amendment) Act 1936 (Madras Act X of 1936). \]
on any pole or post in the city not vested in the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

191. (1) No person shall, without the permission of the commissioner, make any connexion with any municipal cable, wire, pipe, drain or channel or with the house-connexion of any other person.

(2) The commissioner may by notice require any connexion made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

192. If the corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the city across a line of railway, they may, 

1 These words were substituted for the words “owned by the Government of India” by the Adaptation Order of 1937.

2 This word was substituted for the word “Crown” by the Adaptation Order of 1960.

3 The words “and under the control of the Central Government” were omitted by the Adaptation (Amendment) Order of 1960.

4 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the owner or occupier of such premises and deposited in such receptacle.

196. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 195, the commissioner may—

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under section 194; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

197. The commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the commissioner, and on payment of fees at such rate as the council may determine.

1 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(iii) provide vehicles or other suitable means for the removal of rubbish and carcasses of animals; and

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

195. (1) The commissioner may with the previous sanction of the 1[standing committee] by public notice direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle, of the kind specified in such notice, to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 197 has been entered into, shall be collected by the owner or occupier and deposited in municipal carts.

(3) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is in force, and may by public notice direct that all rubbish and filth accumulating

1 The words "circle committee concerned" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 1961), and the words "standing committee" were again substituted for the words "circle committee concerned" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).
in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the owner or occupier of such premises and deposited in such receptacle.

196. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 195, the commissioner may—

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under section 194; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the standing committee, be specified in the notice issued under clause (a).

197. The commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the commissioner, and on payment of fees at such rate as the council may determine.

1 The words “central committee” were substituted for the words “standing committee” by section 101 of and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).
198. The commissioner shall provide—

(a) for the daily surface-cleansing of all public streets and the removal of the sweepings therefrom, and

(b) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 194 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 195.

199. All things deposited in depots or places provided or appointed under section 194 shall be the property of the corporation.

200. In cases not provided for by any notice issued under section 196, the commissioner shall, with the sanction of the '[standing committee], lay down—

(a) the hours within which rubbish and filth may be removed,

(b) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(c) the route by which such carts or other receptacles shall be taken.

1 The words "circle committee concerned" were substituted for the words "standing committee" by section 101 of, and Schedule to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "circle committee concerned" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
201. The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

202. (1) No person who is bound by any notice issued under section 195 or section 196, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same so to accumulate for more than twenty-four hours.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 195 or section 196 as the case may be.

(3) No person shall after due provision has been made under sections 194 and 198 for the deposit and removal of the same—

(a) deposit the carcasses of animals, rubbish or filth in any street or on the veranda of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course or tank; or

(b) deposit filth or carcasses of animals in any dustbin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.

---

1. Substituted by original sub-sections (3) and (4) by section 103 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act 8 of 1936).
No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner, or fail to comply with any requisition of the commissioner as to the construction, repair, paving or cleansing of any latrine on or belonging to the premises.

No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

2[202-A. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over such place to make such recurring or non-recurring contribution to the funds of the corporation as the (State Government) may determine.]

---

1 Original sub-sections (5) and (6) were renumbered as sub-sections (4) and (8) respectively by section 103 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This section was inserted by section 106, ibid.

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
Vesting of public streets and their appurtenances in corporation.

203. (1) All public streets in the city not reserved under the control of [the Central or the State Government], with the pavements, stones and other materials thereof, and all works, materials, implements and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The [State Government] may by notification withdraw any such street, sewer, drain, drainage work, tunnel, culvert or tree from the control of the corporation.

4204. The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

1 This section was substituted for original section 203 by section 107 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "the Central or the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

4 Sections 204, 205 (1) (c) and 206 will not apply to any street which is vested in the Tamil Nadu State Housing Board under sections 46 (d) and 69 (1) of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961).
205. (1) The commissioner may, subject always to such sanction as may be required under Chapter IV, lay out and make [new public streets];

(b) construct bridges and subways;

(c) turn, divert, or with the special sanction of the council and the [State Government], permanently close any public street or part thereof;

(d) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned, from the construction or improvement made by the commissioner.

206. (1) When any public street is permanently closed under section 205, the corporation may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

1 These words were substituted for the words “new streets” by section 108 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 Sections 204, 205 (1) (c) and 206 will not apply to any street which is vested in the Tamil Nadu State Housing Board under sections 46(d) and 59(1) of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961).

3 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

4 This sub-section was added by section 108 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street, at or about the same time that the public street, on account of which the compensation is paid, is closed.]

207. (1) The commissioner may, subject always to such sanction as may be required under chapter IV, acquire —

(a) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(b) any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the council may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (b), may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the [standing committee] thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The [standing committee] may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

---

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
208. The [standing committee] may—

(a) prescribe for any public street a building line or a street alignment or both a building line and a street alignment;

(b) from time to time, but subject in each case to its receiving the authority of the council in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded—

(i) unless, at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the [Official Gazette], and special notice thereof, signed by the commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and

(ii) until the council has considered all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

209. (1) No person shall construct any portion of any building within a street alignment defined under section 208 provided however that the commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest—

(a) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

[The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).]

[These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.]
(b) to pay the expenses of such removal:

Provided that the commissioner shall, in every case in which he gives permission, report his reasons in writing to the [standing committee].

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 208 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 208 except with the permission of the commissioner, who may when granting permission impose such conditions as the [standing committee] may lay down for such cases.

210. (1) When any building or part thereof abutting on a public street is within a street alignment defined under section 208, the commissioner may, whenever it is proposed

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment;

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street alignment.

---

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment theretofore occupied by the said building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression ‘direct damage’ as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

211. The commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the [standing committee], by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

1 The words “circle committee concerned” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “circle committee concerned” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
212. (1) The [standing committee] may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet.

(3) When any plan has been prepared under sub-section (1), the provisions of section 210 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

213. The commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in Schedule V:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.]

1 The words "circle committee concerned" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "circle committee concerned" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Tamil Nadu State Housing Board or when any public street is under construction by the said Board by virtue of the provisions in section 59 (2) of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961).
214. It shall not be lawful for any person, without the permission of the commissioner, to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

1 [214-A. When by a certificate of an officer of the Government Public Works Department of a rank not below that of an Executive Engineer it appears to the commissioner that having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading or depositing excessive weights thereon the commissioner may recover in the Civil Court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.]

Private Streets.

215. If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site

---

1 This section was inserted by section 109 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

216. (1) Any person intending to lay out or make a new private street must send to the commissioner a written application with plans and sections showing the following particulars, namely:

(a) the intended level, direction and width of the street,

(b) the street alignment and the building line, and

(c) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the commissioner.

(3) Within sixty days after the receipt of any application under sub-section (1) the commissioner shall either sanction the making of the street on such conditions as he may think fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made or which are in the opinion of the commissioner likely to be made, for carrying out any general scheme of street improvement,

---

1 This word was substituted for the words "standing committee" by section 59 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the words "it may think fit" by section 59 (ii), ibid.
(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (i), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the commissioner. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information:

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the commissioner has received all the information which he considers necessary to enable him to deal finally with the said application.

217. (1) If any person lays out or makes any street referred to in section 216, without or otherwise than in conformity with the orders of the commissioner, the commissioner may, whether or not the offender be prosecuted under this Act, by notice—

(a) require the offender to show sufficient cause, by a written statement signed by him and sent to the commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the commissioner or if such alteration be impracticable, why such street should not be demolished, or

1 This word was substituted for the words "standing committee" by section 59 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the words "it considers necessary to enable it" by section 59 (iii), ibid.
(b) require the offender to appear before the commissioner either personally or by a duly authorized agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the commissioner why such street should not be so altered or demolished, the commissioner may pass an order directing the alteration or demolition of such street.

218. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the commissioner, he may by notice require the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building] to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportions as may be settled by the commissioner.

219. If any street has been levelled, paved, metalled, flagged, channelled, sewer, drained, conserved and lighted under the provisions of section 218.

1 These words were substituted for the words "require the owners or occupiers of premises fronting or abutting on such street or part thereof" by section 110 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This expression was substituted for the words "owners or occupiers in default according to the frontage of their respective premises and in such proportion as may be settled by the commissioner" by section 110 (ii), ibid.
such street shall, on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared a public street.

**Encroachments on Streets.**

**220.** No one shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

**221.** (1) No door, gate, bar or ground-floor window shall without a licence from the commissioner be hung or placed so as to open outwards upon any street.

(2) The commissioner may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

**222.** (1) The commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street or any public place the control of which is vested in the corporation.

---

1 This expression was substituted for the words “not less than three-quarters of the owners thereof” by section 111 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words “obstruction, encroachment or projection” by section 112 (i), ibid.

3 These words were inserted by section 112 (ii), ibid.

4 These words were added by section 113 (i), ibid.
(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give him a prescriptive title or where such period is less than thirty years, for a period of thirty years] or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

2[223. (1) The commissioner may grant a licence subject to such conditions and restrictions as he may think fit to the owner or occupier of any premises—

(a) to put up or continue to have verandas, balconies, sun-shades, weather-frames and the like, to project over a street, or

(b) in streets in which the construction of arcades has been sanctioned by the council, to put up or continue to have an arcade, or

3[(c) to construct or to continue to have any step or drain-covering necessary for access to the premises.]

(2) With the concurrence of the commissioner of police, the commissioner may grant a licence subject to such conditions and restrictions as he may think fit, for any temporary construction in any street or in any public place the control of which is vested in the corporation.

---

1 These words were inserted by section 113 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).  
2 This section was substituted for original section 223 by section 114, ibid.  
3 This clause was substituted for clause (c) by section 61 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(3) No licence shall be granted under sub-section (1) if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere or result in material interference with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this section or after due communication of an order of suspension or revocation of such licence the commissioner may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 387 from the person to whom the licence was granted.

1[(5) The council shall have power to lease road sides and street margins vested in the corporation for occupation on such terms and conditions and for such period as it may fix:

Provided that no such lease for any term exceeding three years shall be valid unless the sanction of the State Government therefor shall have been first obtained:

Provided further that if the State Government consider that any occupation of a road side or street margin under a lease granted by the council under this section is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road side or street margin as such, the State Government may direct the council to cancel or modify the lease and the council shall thereupon cancel or modify the lease accordingly.]

1 This sub-section was added by section 61 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Tamil Nadu Act 56 of 1961).
1 [223-A. Subject to the provisions of the 2(Tamil Nadu) Open Places (Prevention of Disfigurement) Act, 1959 ([Tamil Nadu] Act 2 of 1959) and sections 129-A to 129-F of this Act, the commissioner may, with the sanction of the council, set up, for the exhibition of advertisements, hoardings, erections or other things in suitable places owned by, or vested in the corporation and may permit any person to use any such hoarding, erection or thing on payment of such fee as may be prescribed by regulations made by the council in this behalf.

Explanation I.—For the purposes of sections 129-D and 129-E the person who has been permitted to use any hoarding, erection or thing under this section shall be deemed to be the owner of the person in occupation of such hoarding, erection or thing.

Explanation II.—For the removal of doubts, it is hereby declared that any fee payable by any person who has been permitted to use any hoarding, erection or thing under this section shall be in addition to the advertisement tax payable by him under section 129-A on advertisements exhibited by him on such hoarding, erection or thing.]

3 224. (1) The commissioner shall, so far as is practicable, during the construction or repair of any street, drain or premises vested in the corporation,

(a) cause the same to be fenced and guarded,

---

1 This heading and section were inserted by section 62 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

3 Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Tamil Nadu State Housing Board or when any public street is under construction by the said Board by virtue of section 59 (2) of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961).
(b) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The commissioner shall, with all reasonable speed, [cause the said work to be completed, the ground to be filled in, the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed].

225. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under section 224.

226. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the commissioner and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

These words were substituted for the words "complete the said work, fill in the ground, and repair the said drain, street or premises" by section 115 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Tamil Nadu State Housing Board or when any public street is under construction by the said Board by virtue of section 59 (2) of the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961).
(3) If any obstruction is caused in any street by the fall of structures, trees, or the fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the commissioner may [by written order] allow, clear the street of such obstruction.

227. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the commissioner in that behalf and shall also—

(a) cause the said building to be fenced and guarded,

(b) sufficiently light it during the night, and

(c) take proper precautions against accidents during such time as the public safety or convenience requires.

Part IV—Sections 228. (1) The council shall [give names or numbers] to new public streets and may [subject to the approval of the] (State Government), alter the name, or number of any public street.

1 These words were substituted for the words "by notice" by section 116 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words "give names" by section 117(i), ibid.

3 These words were substituted for the words "alter the name of any public street" by ibid.

4 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(2) The commissioner shall cause to be put up or painted in English and \(^1\) [in Tamil] on a conspicuous part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name \(^8\) [or number] by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name \(^2\) [or number] or put up any name \(^2\) [or number] different from that put up by order of the commissioner.

229. (1) The commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the commissioner may by notice require him to replace it.

CHAPTER X.—BUILDING REGULATIONS.

General Powers.


(a) for the regulation or restriction of the use of sites for building, and

(b) for the regulation or restriction of building.

---

\(^1\) These words were substituted for the words "in at least one particular language" by section 63 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

\(^2\) These words were inserted by section 117 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^6\) The words "‘Provincial Government’" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (a), rules made under that clause may provide—

(a) that no insanitary or dangerous site shall be used for building, and

(b) that no site shall be used for the construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (b), rules made under that clause may provide for the following matters:

(a) information and plans to be submitted together with applications for permission to build;

(b) height of buildings, whether absolute or relative to the width of streets;

(c) level and width of foundation, level of lowest floor and stability of structure;

(d) number and height of stories composing a building and height of rooms;

(e) provision of sufficient open space, external or internal, and adequate means of ventilation;

(f) provision of means of egress in case of fire;

(g) provision of secondary means of access for the removal of house refuse;

(h) materials and methods of construction of external and party walls, roofs and floors;

(i) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools;
(j) paving of yards;

(k) restrictions on the use of inflammable materials in building; and

(l) in the case of wells, the dimensions of the well, the manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this Act and of any rules or by-laws made thereunder relating to the use of building-sites or the construction or re-construction of buildings.

231. (1) The council may give public notice of their intention to declare—

(a) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or re-constructed shall, in respect of their architectural features, be such as the 1[commissioner] may consider suitable to the locality, or

(b) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(c) that in any streets, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the 1[commissioner].

1 This word was substituted for the words “standing committee” by section 64 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The [standing committee] shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so as to extend its effect.

(4) The commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

232. (1) The council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
1. [233. (1) No external roof, veranda, pandal, or wall of a building and no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, maids or other inflammable materials except with the permission of the commissioner, nor shall any such roof, veranda, pandal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.]

2 Buildings other than huts.

234. (1) If any person intends to construct or re-construct a building, he shall send to the commissioner—

(a) an application in writing for approval of the site together with a site-plan of the land, and

(b) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building and a specification of the work.

* [Explanation.—‘Building’ in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.]

---

1 This section was substituted for original section 233 by section 118 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 Under section 5-A (1) of the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct, or re-construct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

* This explanation was added by section 119 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or by-laws.

235. The commissioner shall not grant permission to construct or re-construct a building unless and until he has approved of the site on an application made under section 234.

236. [(1)] The construction or re-construction of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work.

[(2) While granting permission under sub-section (1), the commissioner may specify in writing, the precautions to be observed with reference to the construction or re-construction by the person making the application under sub-section (1) of section 234 and such person shall be responsible for the due observance of the precautions.]

237. Within thirty days after the receipt of any application made under section 234 for approval of a site, or of any information or further information required under rules or by-laws the commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section 240 to approve the site.

238. Within thirty days after the receipt of any application made under section 234 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 240 or section 241 to grant it:

1 Section 236 was renumbered as sub-section (1) of that section and this sub-section was added by section 65 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
Provided that the said period of thirty days shall not begin to run until the site has been approved under section 237.

239. (1) If, within the period laid down in section 237 or section 238, as the case may be, the commissioner has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the standing committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the standing committee does not, within one month, from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

240. The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely:

(1) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground-plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or by-law made under any law;

---

1 The words “licensure appeals committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “licensure appeals committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 These words were substituted for the words “standing committee did not within fifteen days” by section 120 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act IX of 1936).
(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any of the documents referred to in section 234 have not been signed as required under rules or by-laws;

(4) that any information or documents required by the commissioner under the rules or by-laws has or have not been duly furnished;

(5) that streets or roads have not been made as required by section 215;

(6) that the proposed building would be an encroachment upon Government or municipal land;

(7) that the site of such building does not abut on a street or a projected street, and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than 12 feet wide at any part.]

Whenever the commissioner or the standing committee refuses to approve a site for a building, or to grant permission to construct or re-construct a building, the reasons for such refusal shall be specifically stated in the order.

1 Clauses (6) and (7) were inserted by section 121 of the Madras City Municipality (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “Crown or municipal land” were substituted for the words “Government or municipal land” by the Adaption Order of 1937 and the word “Government” was substituted for “Crown” by the Adaption Order of 1950.

3 The words “licence appeals committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “licence appeals committee” by section 37 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
241. Notwithstanding anything contained in section 246 if any street shown in the site-plan is an intended private street the commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

242. [(1)] If the construction or re-construction of a building is not commenced within 1[six months] after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

1[(2)] If the construction or reconstruction of the building is not completed within such period (not exceeding two years from the date on which permission was given for the construction or re-construction) as may be specified in this behalf by the commissioner, it shall not be continued thereafter until a fresh application has been made and fresh permission granted under this Chapter.

243. The commissioner may inspect any building during the construction or re-construction thereof or within one month from the date of receipt of the notice given under section 107.

244. (1) If the commissioner finds that the work—

(a) is otherwise than in accordance with the plans or specifications which have been approved, or

(b) contravenes any of the provisions of this Act or any rule, by-law, order or declaration made under this Act, he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work in conformity with the said plans, specifications or provisions, or

\[1\] Section 242 was renumbered as sub-section (1) thereof, these words were substituted for the words "one year" and sub-section (2) was inserted by section 66 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid the commissioner shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modification, as he may think fit.

1[244-A. Notwithstanding any action taken under section 244 or section 357(1), where in the opinion of the commissioner any building has been constructed or altered otherwise than in accordance with the plans and specifications which have been approved or in contravention of any of the provisions of this Act or any rule, by-law, order or declaration made under this Act, the commissioner may direct the owner of such building to pay by way of penalty a sum not exceeding fifty rupees for every half year or part thereof in respect of every one hundred square feet or part thereof covered by the portion or portions of the building so constructed or altered, the area of the ground floor and the other floors, if any, being reckoned separately. Such penalty shall be recovered in the same manner as the property tax until the portion or portions aforesaid are removed or rectified by the owner and the resulting construction is approved by the commissioner.]

245. Notwithstanding anything contained in any of the preceding sections, the commissioner may at any time stop the construction or re-construction of any building if in his opinion the work in progress endangers human life.

1 This section was inserted by section 67 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
246. In sections 234 to 245 the word "building" does not include a hut.

1[246-A. (1) If any person intends to demolish a building either in whole or in part, he shall send an application to the commissioner in writing for permission to execute the work.

(2) The commissioner shall grant permission to execute the work subject to such conditions as he may deem necessary for ensuring the health or safety of the people living within or near the building.

(3) The demolition of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work, and the work shall not be executed without complying with the conditions, if any, subject to which the permission has been granted.]

Wells.

247. The provisions of sections 234, 235, 236, 242, 243, 244 and 245 shall, so far as may be, apply to wells.

Huts.

248. (1) Every person who intends to construct or reconstruct a hut shall send to the commissioner —

(a) an application in writing for permission to execute the work, and

(b) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required under rules or by-laws.

1This section was inserted by section 68 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
249. The construction or re-construction of a hut shall not be commenced unless and until the commissioner has granted permission for the execution of the work on an application sent to him under section 248.

250. Within fourteen days after the receipt of any application made under section 248 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or by-laws, the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 252 to grant it.

251. (1) If within the period laid down in section 250, the commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the 'standing committee' shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the 'standing committee' does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

The words "licences appeals committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "licences appeals committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
252. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:—

(1) that the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, by-law, order or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any information or plan required by the commissioner under rules or by-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 215;

(5) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted; or

(6) that the proposed hut would be an encroachment upon (Government or municipal land).]

Whenever the commissioner or [standing committee] refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.

1 Clauses (5) and (6) were added by section 122 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "Crown or municipal land" were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

3 The words "licensure appeals committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "licensure appeals committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
253. **[(1)](2)** If the construction or re-construction of any building is not commenced within six months of the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

1[(2)] If the construction or re-construction of the building is not completed within such period (not exceeding one year from the date on which permission was given for the construction or re-construction) as may be specified in this behalf by the commissioner it shall not be continued thereafter until a fresh application has been made and fresh permission granted under this Chapter.

### External walls, alterations and additions.

254. The owner or occupier of any building adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the commissioner.

255. **(1)** The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

---

1 Section 253 was renumbered as sub-section (1) thereof, these words were substituted for the words "six months" and sub-section (2) was inserted by section 69 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

* The word "public" was omitted by section 123 of the Madras City Municipal (Amendment) Act, 1936 (Madra Act X of 1936).
(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the standing committee, whose decision shall be final.

**Powers of Commissioner.**

256. (1) If the commissioner is satisfied—

(i) that the construction or re-construction of any building or well—

(a) has been commenced without obtaining the permission of the commissioner or (where an appeal or reference has been made to the standing committee) in contravention of any order passed by the standing committee, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 244 have not been duly made,

(iii) that any alteration of, or additions to, any building or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section 255, he may make a provisional order

---

1 The words “licensure appeals committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “licensure appeals committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971),
requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the commissioner, has been unlawfully executed, or to make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the commissioner, the commissioner may confirm the order with any modification he may think fit to make [and such order shall then be binding on the owner].

2[256-A. (1) If the construction or reconstruction of any building or well—

(a) is commenced without the permission of the commissioner, or

(b) is carried on otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on in contravention of any lawful order or breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, the commissioner may, after three days' notice, direct that any person directing or carrying on such

---

1 These words were added by section 124 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This section was inserted by section 70 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
construction or reconstruction, or any person employed in the execution thereof in such building or well or any other place adjacent thereto shall be removed from such building, well or place.

(2) It shall be the duty of every police officer to assist the commissioner or any officer or servant of the corporation reasonably demanding his aid for carrying into effect the direction given by the commissioner under sub-section (1).

**Exemptions.**

257. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, meter-house, summer-house (not being a dwelling-house), poultry-house, or aviary, shall be exempted from the provisions of this chapter other than section 233, provided the building be wholly detached from, and situated at a distance of at least 10 feet from the nearest adjacent building.

1[Chapter X-A.—Cheris or Hutting Grounds.]

1[Preliminary.]

1[257-A. The 2[standing committee] may, subject to the approval of the council, decide whether any particular area is or is not a cheri or hutting ground as defined in clause (8-A) of section 3 and the decision of the 2[standing committee] shall, on such approval, be final. The 2[standing committee] may also, subject to the approval of the council, define the external limits of any cheri or hutting ground and from time to time alter such limits.]

---

1 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

1. The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 36 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
Power of commissioner to require preparation of standard plan by owner of cheri or hutting ground.

1[Improvement of cheris or hutting grounds.]

1[257-B. (1) The commissioner may, for sanitary reasons, require the owner or owners of any cheri or hutting ground, of which the total area as comprised within the limits defined under section 257-A is less than four thousand eight hundred square feet—

(a) to open up and construct such passages, not exceeding twelve feet in width, between the buildings or huts, and to provide such surface drains and latrines for the use of the tenants of the cheri or hutting ground, as the commissioner may think necessary; and

(b) to remove the whole or any portion of a hut provided that the owner of the building or hut shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, as the commissioner may determine.

(2) When the commissioner proposes to issue a requisition in respect of any cheri or hutting ground under sub-section (1), he shall prepare a standard plan showing the proposed improvements, and may then by written notice, call on the owner or owners of the cheri or hutting ground to show cause why the cheri or hutting ground should not be improved within a date to be fixed in conformity with the said plan.

(3) The provisions of sections 257-J, 257-K, 257-L, 257-Q, 257-T, 257-U and 257-X shall, with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (1).]

1[257-C. (1) The commissioner may, at any time, if it appears to him that any cheri or hutting ground for sanitary reasons, requires improvement, serve a notice upon the owner of such cheri or hutting ground

\footnote{1Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).}
requiring him to prepare and submit a plan of the chéri or hutting ground, to the scale of thirty-three feet to the inch, showing—

(a) the manner in which the chéri or hutting ground should be laid out, with the buildings or huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging;

(b) the drains for the general use of the tenants of the chéri or hutting ground;

(c) the means of lighting, common water-supply, bathing arrangements (if any) and common privy accommodation to be provided for the use of the tenants;

(d) the streets and passages which are to be maintained for the benefit of the tenants;

(e) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved; and

(f) any other proposed improvements:

Provided that when there are two or more owners of a chéri or hutting ground the commissioner may require them to prepare and submit a joint plan of the chéri or hutting ground.

(2) The streets referred to in clause (d) of subsection (1) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause shall be not less than twelve feet wide.

(3) If there is any masonry building within the limits of the chéri or hutting ground, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.
(4) The said plan shall be considered by the commissioner who may approve of it without modification or with such modifications as he thinks fit and the said plan as approved by the commissioner shall be deemed to be the standard plan of the cheni or hutting ground.

257-D. (1) If, after the service of a notice under section 257-C on the owner or owners of any cheri or hutting ground—

(a) such owner or owners prefer for any reason to have a plan prepared for them by the commissioner, or

(b) such owner or owners fail to comply within sixty days with such notice, or

(c) such owners do not agree among themselves in the preparation of a plan as required by such notice,

the commissioner shall cause the cheni or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or such other qualification as may be prescribed by the council in this behalf, and the other an engineer, and the commissioner on receipt of their report shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(2) When a plan has been prepared under subsection (1), the commissioner shall fix a day for the hearing of objections (if any) made by or on behalf of the owner or owners of the cheri or hutting ground and the owners of huts or masonry buildings therein, and after hearing such objections, may in his discretion, approve such plan either with or without modifications.

\(^1\) Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(3) Every plan of a chéri or hutting ground approved under sub-section (2) shall be deemed to be the standard plan of the chéri or hutting ground.

(4) When the commissioner causes a plan to be prepared under sub-section (1), he may charge the owner or owners of the chéri or hutting ground therefor at a rate not exceeding one rupee per two thousand four hundred square feet.

1[257-E. When the owner or owners of a chéri or hutting ground have been required under section 257-C to prepare a plan, no new building or hut shall be erected and no addition shall be made to any building or hut within the chéri or hutting ground until a plan has been prepared and approved under that section or under section 257-D.]

1[257-F. When a standard plan has been approved for any chéri or hutting ground under section 257-C or section 257-D, no new building or hut shall be erected and no addition shall be made to any building or hut in such chéri or hutting ground unless the building or hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a building or hut.]

1[257-G. (1) When a standard plan has been approved for any chéri or hutting ground under section 257-C or section 257-D, the commissioner may, at any time, by notice, require the owner of any building or hut in such chéri or hutting ground, which is not in conformity with the standard plan, to remove the whole or any portion of such building or hut.

(2) When a building or hut or portion of a building or hut has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the municipal fund

1 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
such compensation calculated according to the estimated value of the structure removed, less the value of the materials, if the owner elects to take these, as the commissioner may determine.]

\[257-I. (1)\] The commissioner may at any time, by notice, require the owner or owners of any cheri or hutting ground for which a standard plan has been prepared under section 257-C or section 257-D—

(a) to construct the drains, privies, streets, and passages, provide the means of lighting, water-supply and common bathing arrangements and carry out the other improvements shown in such plan, so far as may be practicable having regard to the existing arrangement of the huts, and

(b) if any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(2) Until such notice is complied with, the commissioner may refuse to sanction the erection of a new building or hut or the making of any addition to any building or hut in the cheri or hutting ground.]

\[257-I. (1)\] If it appears to the commissioner that any cheri or hutting ground—

(a) by reason of the manner in which the buildings or huts are crowded together, or

(b) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this chapter would be too dilatory to meet the emergency, he may, after giving notice to the owner or owners of the cheri or hutting ground, cause the cheri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corpora-

---

1 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
tion or a person holding the diploma of Public Health or having such other qualifications as may be prescribed by the council in this behalf, and the other an engineer. In appointing such persons the commissioner shall consider any proposals made by the owner or owners of the cheni or hutting ground in this connexion.

(2) The said persons shall forthwith—

(a) submit a written report on the sanitary condition of the cheni or hutting ground,

(b) annex to the report a plan approved by them as a proper standard plan of such cheni or hutting ground, and

(c) certify—

(i) which of the improvements required to bring the cheni or hutting ground into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the cheni or hutting ground, and

(ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

(3) The improvements referred to in sub-clauses (i) and (ii) of clause (c) of sub-section (2) shall be specified in two separate schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(4) The said schedules shall clearly indicate—

(a) the buildings or huts which should be removed wholly or in part,

(b) the streets, passages and drains which should be constructed,

(c) the means of lighting, water-supply, common bathing arrangements and common privy accommodation to be provided for the use of the tenants,
(d) the tanks, well and low lands which should be filled up.

(e) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the unhealthy condition of the chéri or hutting ground, and

(f) any masonry building within the chéri or hutting ground, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement.

(5) A report (together with the schedules annexed thereto) submitted under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.

1[257-J. (1) The Standing committee shall consider every report (together with the plan and Schedules A and B annexed thereto) made under section 257-I, and after considering the objections (if any) of the owner or owners of the chéri or hutting ground in respect of which the report has been made, and of any owner of any hut which is required to be demolished or altered and of the owner of any masonry building which is to be dealt with under sub-section (4) of section 257-I, may approve such plan and schedules after making such modifications (if any) therein as it may think fit.

(2) The plan so approved shall be deemed to be the standard plan of such chéri or hutting ground.]

1 Chapter X-A, consisting of sections 257-A to 257-BB was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "standing committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
IVJMadras City Municipal Corporation

1[257-K. When Schedule A annexed to a report made under section 257-I has been approved under section 257-J, the commissioner may cause a written notice to be served upon—

(a) the owners of the buildings or huts referred to in such Schedule A, or

(b) the owner or owners of the chéri or hutting ground in which such buildings or huts are situated,

requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.]

1[257-L. When any improvements required by a notice under section 257-K are carried out by the commissioner under section 380, all expenses incurred thereby, including such reasonable compensation as the commissioner may think fit to pay to the owners or occupiers of buildings or huts removed, shall be paid by the owner or owners of the chéri or hutting ground to the corporation and shall constitute a charge upon such chéri or hutting ground:

Provided that notwithstanding anything contained in section 384, if it appears to the 2(standing committee) that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the 2(standing committee), have been done by the owners or occupiers of huts within the chéri or hutting ground, it may order the same or any portion thereof to be paid

1Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
out of the municipal fund, and in the case of expenses which should be paid by the owner or owners of the cheri or hutting ground, it may order the same or any portion thereof to be advanced out of the municipal fund, but thereafter to constitute a charge upon such cheri or hutting ground.]

1[257 M. (1) If, in carrying out any improvements as provided in section 257-K the commissioner causes any building or hut or any portion thereof to be pulled down, he shall—

(a) cause the materials of such building, hut or portion to be given to the owner of the building or hut if such owner elects to take them; or

(b) if the owner does not elect to take the materials, or if the owner be unknown or the title to the building or hut be disputed, cause such materials to be sold, and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 257-L.

(2) Any amount held in deposit under clause (b) of sub-section (1) shall be so held by the corporation until any person obtains an order from a competent court for the payment to him of such amount.

(3) A Court of Small Causes shall be deemed to be a competent court for the purposes of this section.]
(b) any land appertaining to such building, or
(c) any such building, together with the land appertaining thereto or any portion thereof,

which is mentioned in that behalf in Schedule A or Schedule B annexed to such report provided however that it shall be competent for the commissioner to purchase any item of property mentioned above if it does not exceed rupees one thousand in value].

1[257-O. When a standard plan of a cheri or hutting ground, and any Schedule B, annexed to the report made under section 257-I with respect to that cheri or hutting ground, have been approved under section 257-J—

(a) the provisions of section 257-F shall apply to such cheri or hutting ground, and

(b) the provisions of sections 257-G and 257-H shall apply to such cheri or hutting ground in respect of the improvements indicated in that schedule as provided in sub-section (4) of section 257-I.]

1[257-P. (1) Notwithstanding anything contained in sections 257-J to 257-O, the (standing committee) may, after receipt of a report made under section 257-I with respect to any cheri or hutting ground, and after giving an opportunity of being heard to the owner or owners thereof, pass a resolution to the effect that the cheri or hutting ground is an unhealthy area and that in its opinion, the purchase or acquisition of the cheri or hutting ground, or of any portion thereof, is necessary for the purpose of making the improvements referred to in the said report.

---

1 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(2) When any such resolution has been passed, the commissioner shall make a plan for the improvement of the said cheri or hutting ground or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said cheri, hutting ground or portion, and such plan shall be deemed to be the standard plan of the cheri or hutting ground.

(3) When any cheri or hutting ground or portion of a cheri or hutting ground has been so purchased or acquired, the commissioner shall as soon as is reasonably practicable, either—

(a) sell or lease the same or part thereof to any person for the purpose and under the condition that he will, as regards the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(b) himself bring the said cheri, hutting ground or portion or any part of the same which has not been sold or leased under clause (a), into conformity with such standard plan, or

(c) take measure for the erection of sanitary dwellings for the working classes or for the poorer classes, or for both, on such land.

(4) Whenever the commissioner desires to sell or lease under sub-section (3) any cheri or hutting ground or any portion thereof, he shall, on application made on that behalf, give to the person from whom the same was purchased or acquired, or his heirs, executors or administrators, a preferential right to purchase or take on lease such cheri, hutting ground or portion at such rates and on such terms and
conditions as may be fixed by the [standing committee], if the [standing committee] considers that such right can be given without detriment to the carrying out of the purposes of this Act. If more than one person so applies, the [standing committee] shall determine which of such persons shall have the preferential right under this sub-section to purchase or take on lease such cheri or hutting ground or portion.

2[257-Q. (1) No standard plan approved for a cheri or hutting ground under this chapter shall, without the consent of the owner thereof, show more than—

(a) one-third of the whole area of such cheri or hutting ground as streets or passages, or

(b) one-half of such area as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of lands, buildings or huts.

(2) In calculating the said proportions of one-third and one-half of any such area, no tank situated therein that has not been filled up shall be taken into account.]

2[257-R. (1) When the land included in a cheri or hutting ground is owned by more owners than one, the standard plan approved under this chapter for such cheri or hutting ground shall, as far as practicable, provide—

(a) for one or more buildings or huts being completely contained in each such plot, and

---

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(b) for such proportion of each such plot being taken for streets, passages, and open lands as is specified in section 257-Q and which may be taken without the consent of the owner of such plot, the compensation which shall be payable to the owner of such plot, and

(i) the compensation which shall be payable to the owner of such plot, and

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken:

(3) If no person is suitably called upon to pay such compensation, the same shall be paid by the corporation.

(4) Any compensation payable under this section to the owner or owners of any land for a street or hutting ground shall not be paid until such land has been brought into complete conformity with the standard plan: Provided that any portion of any such street or passage which is situated on land purchased or acquired under section 257-Q shall remain the property of the corporation.

1257-S. (1) Every street or passage in a city or hutting ground which is shown in the standard plan approved under this chapter or in the city or hutting ground which is not already a public street, shall under such street or passage is declared to be a public street under section 219, be deemed to be a private street and the portion thereof which falls on the land of each owner shall belong to such owner:

Provided that any portion of any such street or passage which is situated on land purchased or acquired under section 257-Q shall remain the property of the corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the corporation may determine.
tioner may require, and shall also be kept open for the use of all the tenants of the cheri or hutting ground:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to transfer to the public domain any portion of the street within the definition of a public street in clause (20) of section 21.

[257-U. The bathing arrangements and privy accommodation in a cheri or hutting ground, which are shown in the standard plan, approved under this chapter for such cheri or hutting ground as being common to the use of all or some of the tenants of the cheri or hutting ground, shall at all times, be kept available for the use of such tenants:

Provided that, notwithstanding anything contained in the Indian Limitation Act, 1908, no at any time the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such cheri or hutting ground, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as to prejudicially affect the rights of the owner of such land.]

1[257-U. (1) The owner or owners of any land in a cheri or hutting ground, for which a standard plan has been approved under this chapter, shall maintain in proper order and repair, to the satisfaction of the commissioner such streets, passages, drains, common bathing arrangements, common privy accommodation, utensils of lighting, means of water-supply and other works on the land as may be shown in the plan.

(2) The commissioner may, at any time, cause a notice to be served upon such owner, requiring him to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works:

1 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 225 of the Madras City Municipal (Amendment) Act, 1957 (Madras Act X-A of 1957) in Act X of 1916.
Provided that any convenience made by the owner of a building or hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the cheri or hutting ground.

(3) If the commissioner is satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or any portion thereof, has been damaged by any tenant or tenants of the cheri or hutting ground, the commissioner may, if he thinks it desirable to do so, call upon such tenant or any one or more of such tenants by a notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or portion thereof.

(4) Notwithstanding anything contained in this section or in section 257-T, the scavenging of streets and common privies shall be done by the corporation free of charge.

[257-V. (1) The owner of any land in a cheri or hutting ground, for which a standard plan has been approved under this chapter, shall be deemed to be the occupier of—

(a) all the streets, passages and common ground,

(b) all drains provided for the use of more than one hut, and

(c) the common bathing arrangements, common privies and means of lighting the cheri or hutting ground on such land so far as the same are constructed in accordance with the standard plan.

(2) The owner of any building or hut in such cheri or hutting ground shall be deemed to be the occupier of—

(i) the land on which such building or hut stands,

Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
919: T.N. Act IV | Madras City Municipal Corporation

(ii) the open space behind such building or hut which appertains thereto, and

(iii) every drain, privy, means of lighting or water connexion (if any) provided for the sole use of such building or hut.

1[257-W. When a cheri or hutting ground has been brought into conformity with the standard plan approved under this chapter for such cheri or hutting ground, it shall be deemed to be a remodelled cheri or hutting ground.]

1[257-X. (1) The owner of any land included in a Power of cheri or hutting ground and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the cheri or hutting ground has been prepared under this chapter or not, send notice to the commissioner that he intends to remove all the buildings or huts standing on such land:

Provided that the receipt of any such notice by the commissioner shall not be a bar to the approval by the commissioner or the 2[standing committee] under this chapter, of a standard plan for such cheri or hutting ground.

(2) From the date of such notice no application shall be entertained for erecting on such land any new building for hut or adding to any building or hut standing on the land.

1 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "standing committee" were substituted for the word "standing committee" by section 101 of, and Schedule 7 to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(3) When all such buildings or huts have been so removed such land shall, according to its situation be either a grazing land; or a grazing land which under this Act or any other Act, may be declared to be a grazing ground, or

(ii) be altogether excluded from the limits of the cheti or hutting ground, or

(iii) be shown in a standard plan approved for such cheti or hutting ground under this Act, as not being part of such cheti or hutting ground.

Provided that the standard plan shall show the building or structures, such as the provisions of sections 257-IV, 257-V, 257-W, 257-O, 257-Y, 257-E, and 257-VE, shall, with all necessary modifications, be deemed to apply to such street or passage unless the commissioner otherwise directs.

(6) When all the buildings or huts standing on any land, within a cheti or hutting ground, have been removed under sub-section (3) the said standard committee may either—
Cheri or hutting ground streets

[257-X. (1) In any cheri or hutting ground in respect of which a standard plan has not been prepared, or in any area in which it appears to the commissioner that huts are likely to be erected, the standing committee may, after considering the objections, if any, of any owner of land in such cheri or hutting ground, or in such area, prescribe alignments, not more than sixteen feet in width, for such private streets as it may think fit.
(2) When the land within such cheri or hutting ground or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof and shall not ordinarily be less than one hundred feet apart.

(3) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the corporation shall pay such compensation to the owner of the plot as the [standing committee] may fix as reasonable:

Provided that no compensation shall be paid in respect of any such plot as long as any hut or other structure other than a masonry building is left standing within any such alignment in the plot.

(4) No building or hut or portion thereof shall be erected within any alignment prescribed under subsection (1).

(5) The provisions of section 257-S shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

2[257-Z. (1) In any cheri or hutting ground, at any time after the expiration of seven years from the time when any alignment has been prescribed—

(a) for a street under section 257-Y, or

(b) for buildings or huts,

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 Chapter X-A, consisting of sections 257-A to 257-BB, was inserted by section 125 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
the commissioner may, by notice require the owner of the land or the owners or occupiers of existing buildings or huts to remove such buildings or huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within six feet on either side of any such prescribed building or hut alignment as the case may be.

(2) When a building or hut has been removed under the provisions of sub-section (1), the corporation shall pay to the owner thereof such compensation as the standing committee may consider to be reasonable, but such compensation shall in no case exceed the value of the building or hut less the value of the materials thereof.

2[257-AA. Any person who erects a masonry building—

(a) in any chéri or hutting ground in respect of which a standard plan has been approved under section 257-C, 257-D, or 257-J, or

(b) in any chéri or hutting ground or area in respect of which alignments for streets have been prescribed under section 257-Y.]
Application of provisions of this chapter to alterations or additions.

(257-BB. (1) The provisions of this chapter and of any rules or by-laws made under this Act in so far as they relate to construction and reconstruction of buildings or other structures shall also be applicable to any alteration or addition to such building or structure.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room, such question shall be referred to the standing committee whose decision shall be final.
CHAPTER XI.—NUISANCES.

[Dangerous Structures, Trees, and Places.]

Precautions in case of dangerous structures.

(1) If any building or structure be deemed by the commissioner to be in an unwholesome state or dangerous to persons by or to the occupants or the neighbourhood, the commissioner may by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom: Provided always, however, that such notice shall not require the owner or occupier to take any action which would entail an unnecessary expense upon him.

(2) If immediate action is necessary the commissioner may, in his discretion, give such notice before the period of notice expires, or may order the fence off, take down, secure or repair the said structure, and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 387.

(3) If, in the commissioner's opinion, the said structure is imminent danger to the inmates thereof, the commissioner shall order the immediate removal thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

(1) If any tree or any branch of a tree be deemed by the commissioner to be likely to fall and thereby in danger any person by or to the occupants of the said tree, the commissioner may by notice require the owner of the said tree to remove or cut down the said tree so as to prevent any danger therefrom.

These words were substituted for the words "Dangerous Buildings" by section 160, Madras City, Municipal (Amendment) Act, 1897, and for the word "building" by section 127, ibid.

* These words were substituted for the words "danger to any person using a public or private street" by section 127, ibid.
(2) If immediate action is necessary, the commissioner may himself, before giving such notice or before the period of notice expires, secure, lop, or cut down the said tree or remove the fruit thereof of fence off a part of any street or take such temporary measures, as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 387.

260. (1) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the commissioner to be, for want of sufficient repair, protection or enclosure, dangerous to the passers-by, or to persons living in the neighbourhood, the commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner may himself, before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 387.

261. (1) The commissioner may by notice require the owner of any [*structure*, booth or tent partly or entirely composed of, or having any external roof, veranda, pandal, [*fence*] or wall partly or entirely composed of, cloth, grass, leaves, mats or other inflammable materials to remove or alter such [*structure*, booth, tent, roof, veranda, pandal, [*fence*] or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.

---

1 This word was substituted for the word "building" by section 128 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This word was inserted by *ibid.*
(2) The commissioner may by notice require any person using any place for the storage for private use of timber, fire-wood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the commissioner is of opinion that the means of egress from any [structure] are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the [standing committee], by notice require the owner or occupier of the [structure] to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any [structure], booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passages and staircases leading to the exits shall during the presence of the public, be kept clear of obstructions.

Control over waters, etc.

262. (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the commissioner.

(2) The commissioner may grant permission, with or without conditions, or may refuse it.

---

1. This word was substituted for the word "building" by section 128 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2. The words "circle committee concerned" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "circle committee concerned" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(3) If any such work is begun or completed without such permission, the commissioner may either—
(a) give notice requiring the owner or person in possession of any pool, ditch, tank, swall, lobar, or other place to fill up or demolish such work in such manner as the commissioner shall direct,
(b) refuse to grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of such Act or by-laws.

266: (1) in the opinion of the commissioner, the working of any quarry or the removal of stones, earth, or other material from any place is dangerous to persons residing in, or having access to, the neighbourhood of such quarry or place, or is likely to create a nuisance by the commissioner may, with the approval of the standing committee, by notice require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth, or other material from such place and take such other or such steps as deemed necessary for the purpose of preventing danger or abating or removing the nuisance arising or likely to arise therefrom.

35. (1) No new well, tank, bore, cistern, or pond shall be dug, constructed, repaired, or altered except

264: (1) if in the opinion of the commissioner, or—

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hold, drain, cesspool, or (s) water-course, or any collection or water or

1. The words "circle committee concerned" were substituted for the words "standing committee by section 101 of and Schedule 1 to the Madras City Municipal (Amendment) Act 1987 (Tamil Nadu Act 19 of 1988) and the words "standing committee" were again substituted for the words "circle committee concerned" by section 34 of the Schedule 3 to the Madras City Municipal Corporation, Madras, Tamil Nadu District Municipalities (Amendment) and Extension of Term of Office Act 1974 (Tamil Nadu Act 22 of 1974).
(d) any land on which water may at any time accumulate is or is likely to become a breeding place of mosquitoes or other pests, the Commissioner may by notice require the owner thereof to be dealt with in such manner and with such materials as the Commissioner shall direct, or to take such order with the same for removing or abating the nuisance as the Commissioner shall direct, and if the person on whom a requisition is made under subsection (1) fails, or neglects to obey, comply with, or to make such return or report as the Commissioner may require, or to make such return or report, or if the Commissioner is not satisfied with the work done, he shall make further inquiry into the case, and he shall not institute any prosecution unless the failure to comply with the requisition is of such a nature as to be of great importance, and shall proceed in accordance with section 380 of the Madras City Municipal Act, 1956, and pending the disposal of the question whether the said work shall be done.
be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the commissioner shall determine, with the approval of the standing committee whether the expenses of any work already done as aforesaid shall be paid by the owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the council may, with the previous sanction of the State Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

265. The commissioner may by notice require the owner of or person having control over any private water-course, spring, tank, well, or other place the

---

1 The words “circle committee concerned” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “circle committee concerned” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

3 This sub-section was substituted for original sub-section (1) by section 130 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well, or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the commissioner to be unfit for that purpose, the commissioner may by notice require the owner or person having control thereof to—

(a) refrain from using or permitting the use of such water, or

(b) close or fill up such place or enclose it with a substantial wall or fence.

266. If it appears to the commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

267. The commissioner may regulate or prohibit the washing of animals, clothes or other things or fishing in any river or estuary within the city in the interests of the public health.

268. It shall not be lawful for any person to—

(a) bathe in any tank, reservoir, conduit, fountain, well or other place set apart by the corporation, or by the owner thereof, for drinking purposes;

---

1 These words were inserted by section 130 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X or 1.26).
(b) wash or cause any animal or thing to be washed in any such place;

(c) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be fouled or corrupted; or

(d) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted.

Control over abandoned lands, untrimmed hedges, etc.

269. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenant and thereby becomes a resort of idle and disorderly persons or in the opinion of the commissioner becomes a nuisance, the commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

270. The commissioner may by notice require the owner or occupier of any building or land [which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood] to cleanse, clear or [otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth] within twenty-four hours or such longer period and in such manner as may be specified in the notice.

---

¹ These words were substituted for the words "which is in a filthy or unwholesome state, or overgrown with prickly-pear or other noxious vegetation" by section 131 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "otherwise put the same in proper state" by section 131 (ii), ibid.
270-A. If in the opinion of the commissioner, the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton, or any material, or the sifting, breaking, cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process, causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell or noise or otherwise he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.

271. The commissioner may by notice require the owner or occupier of any building or land near a public street to—

(a) fence the same to the satisfaction of the commissioner; or

(b) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the commissioner may determine; or

(c) cut and trim any hedges and trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or

(d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Control over Insanitary Buildings.

272. The commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

This section was inserted by section 132 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
273. (1) Whenever the commissioner considers—

(a) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(b) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings, or portions of buildings to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building [in such proportion to the increased value acquired by their respective buildings as may be determined by the commissioner].

These words were substituted for the words "in proportion to the increased value acquired by their own property" by section 133 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

274. (1) If any building, or portion thereof, intended for or used as a dwelling-place appears to the commissioner to be unfit for human habitation, he may apply to the [standing committee] to prohibit the further use of such building for such purpose, and the [standing committee] may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the [standing committee] withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the commissioner shall report the case to the [standing committee] which shall thereupon consider whether the building should not be demolished. The [standing committee] shall give the owner not less than thirty days’

---

1 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the [standing committee] is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the commissioner considers that it can be made fit, the commissioner may postpone the execution of the decision of the [standing committee], for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

275. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling-place, or any room in any such dwelling-house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding; and the magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner

---

1 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
of the building or room, within a reasonable time not exceeding four weeks, to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

General.

276. (1) When the commissioner takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under section 380, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses

---

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry it appears to the commissioner that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land), or any portion thereof.

277. No person shall be entitled save as provided in sections 264 and 273 to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers, under this chapter.

CHAPTER XII.—LICENCES AND FEES.

General Provision as to Licences.

278. Nothing in this chapter shall be construed as requiring the 1 [Central Government] or the 2 [State Government] to take out a licence in respect of any place in the occupation or under the control of 3 [such Government] or in respect of any property belonging to 4 [the Government].

1 These words were substituted for the words “Government of India” by the Adaptation Order of 1937.
2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
3 These words were substituted for the words “the Government” by section 134 of the Madras City Municipal (Amendment) Act, 1936 (Madras: Act X of 1936).
4 The words “the Crown” were substituted for the words “such Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.
1 [279. (1) No person shall without or otherwise than in conformity with the terms of a licence granted by the commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale:

8 [Provided that no such licence shall be required for a lodging house as defined in the 3 (Tamil Nadu) Public Health Act, 1939, if the keeper thereof has been registered under that Act.]

Explanation.—“Lodging house” means a hotel, boarding house, choultry or rest-house other than a choultry or rest-house maintained by the Government or a local authority, unlicensed emigration depot or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment but does not include a students’ hostel under public or recognized control.

(2) The commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any by-law made under section 349 relating to such premises whether or not the licensee is prosecuted under this Act.]

1 This section was substituted for original section 279 by section 135 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This proviso was inserted by section 2 of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

8 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
Prohibition in respect of keeping animals and birds and feeding animals.

280. No person shall—

(a) without the permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(b) keep any animal ²[or bird] on his premises so as to be a nuisance or so as to be dangerous; or

(c) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

281. If any dogs ³[or pigs] not taxed under section 116 ³[or monkeys] are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the commissioner.

282. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, ⁴[shall apply to the commissioner for a licence not less than forty-five and not more than ninety days before the opening of such place or the commencement of the year for which the licence is sought to be renewed, as the case may be.]

¹These words were added by section 136 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
²These words were inserted by ibid.
³The word "or pigs" were inserted, and the words "or monkeys" were substituted for the words "or pigs" by section 71 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
⁴These words were substituted for the words "shall, in the first month of every year, or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the commissioner for a licence" by section 2 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941) re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).
(2) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence:

1 [Provided that this section shall not apply to any place licensed as a place of public entertainment or resort under the Tamil Nadu] Places Act, 1888.]

(3) No person shall, without or otherwise than in conformity with a licence, use any place [or allow any place to be used] for any such purpose.

283. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the commissioner as regards their site, construction, materials and dimensions.

(2) The commissioner may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

---

1 This proviso was added by section 137 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The word "Madras" was inserted in the short title by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955), and for the word "Madras" these words were substituted by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

3 These words were inserted by section 137 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
284. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the Commissioner may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

1 [Landing places, cart-stands, etc.]

285. (1) The commissioner may construct or provide public landing places, halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the [standing committee] may fix.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the [Motor Vehicles Act, 1939 (Central Act IV of 1939)] and animals.

(2) A statement of the fees fixed by the [standing committee] for the use of each such place, shall be put up in [English and Tamil] in a conspicuous part thereof.

---

1 This heading and sections 285, 285-A, 285-B and 285-C were substituted for original section 285 by section 138 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of tenure of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 The words, figures and brackets “Motor Vehicles Act, 1939 (Central Act IV of 1939)” were substituted for the words and figures “Indian Motor Vehicles Act, 1914” by section 72(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 These words were substituted for the words “English, Tamil, Telugu and Hindustani” by section 72(ii), ibid.
(3) The commissioner may farm out the collection of such fees for any period not exceeding three years at a time, on such terms and conditions as he may think fit.]

1 [285-A. Where the commissioner has provided a public landing place, halting place, cart-stand, cattle-shed, or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the [standing committee] of any public place or the sides of any public street:

Provided that nothing contained in this section shall be deemed to authorize the commissioner to prohibit the use of any place in the city by the State Government as a stand solely for motor vehicles belonging to the Transport Department of the State Government.]

1 [285-B. (1) If the fee leviable under sub-section (1) of section 285 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such cart, carriage, motor vehicle, or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle, or animal.

---

1 Sections 285, 285-A, 285-B and 285-C and their heading were substituted for original section 285 by section 138 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
3 This proviso was added by section 73 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorized to receive and sell such property and the commissioner shall forthwith give notice to the owner of the property seized, or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the fee, together with the expenses incurred in connexion with the seizure, detention and proposed sale is tendered to the commissioner or other person authorized as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof may be sold and the proceeds of the sale applied to the payment of—

(i) the amount due on account of the fee;

(ii) such penalty not exceeding the amount of the fee as the commissioner may direct; and

(iii) the expenses incurred in connexion with the seizure, detention and sale.

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.]
1[285-C. (1) No person shall open a new private licence for a cart-stand or continue to keep open a private cart-stand unless he obtains from the commissioner a licence to do so.

(2) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought. ²[not less than forty-five and not more than ninety days before the opening of such place as a cart-stand or the commencement of the year] for which the licence is sought to be renewed, as the case may be.

(3) The commissioner shall, as regards private cart-stands already lawfully established and may, at his discretion, as regards new private cart-stands, grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to conservancy as he may think proper, or he may refuse to grant any such licence for any new private cart-stand. The commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The commissioner may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled, or modified under this section, the commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English

---

¹ Sections 285, 285-A, 285-B and 285-C and their heading were substituted for original section 285 by section 138 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

² These words were substituted for the words "not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year" by section 3 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).
and [Tamil], to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum:

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.

[Carcasses of animals.]

286. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

(a) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commissioner in that behalf, or

(b) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

1 This word was substituted for the words "a vernacular language of the locality" by section 74 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This heading was inserted by section 139 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the animal died.

Industries and Factories.

1[287. (1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule VI without a licence obtained from the commissioner and except in accordance with the conditions specified therein:

Provided that no such licence shall be required for the use of any place for a lodging house as defined in the 3[Tamil Nadu] Public Health Act, 1939 8[Tamil Nadu] Act XII of 1939, if the keeper thereof has been registered under that Act.]

(2) The commissioner shall, if so required by the council, publish a notification in the 4[Official Gazette] and in two or more local newspapers that any place at a distance within three miles of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule VI without a licence obtained from the commissioner and except in accordance with the conditions specified therein:

---

1 Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This proviso was added by section 7 of the Tamil Nadu Public Health (Amendment) Act, 1959 (Tamil Nadu Act 8 of 1959).

3 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

4 These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.
Provided that no such notification shall take effect—

(a) unless the sanction of the ¹[State Government] has been obtained therefor; and

(b) until the expiry of thirty days from the date of its publication in the ²[Official Gazette].

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the commissioner for such licence ³[not less than forty-five and not more than ninety days] before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the ²[Official Gazette], as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

⁴[(5) (a) On receipt of any such application as is referred to in sub-section (3), the commissioner may subject to the provisions of clauses (b) and (c), grant the licence specifying therein such conditions as he may think fit to impose in accordance with the rules, if any, made by the State Government in this behalf, or refuse to grant the same.]

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

³ These words were substituted for the words "not less than thirty days" by section 4 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

⁴ This sub-section was substituted for the original sub-section (5) by section 75 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(b) Before granting or refusing a licence under clause (a), the commissioner shall cause a full and complete investigation to be made in the prescribed manner in respect of the application and shall have due regard to—

(i) the suitability of the place in respect of which the licence is applied for;

(ii) the possibility of any danger to life or health or property or the likelihood of any nuisance being created either by reason of the manner in which or by the conditions under which the place is proposed to be used or by the nature of such use;

(iii) the provisions of other Acts, if any, and the rules and by-laws made thereunder, regulating the use of places for the purpose for which a licence is applied for under this Act; and

(iv) such other matters as may be prescribed.

(c) If the commissioner is satisfied either on a reference made to him in this behalf or otherwise that—

(i) a licence granted under clause (a) has been obtained by misrepresentation as to an essential fact, or

(ii) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the commissioner may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(d) Subject to any rules that may be made in this behalf by the State Government, the commissioner may also vary or amend a licence granted under clause (a).]
(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made (not less than forty-five and not more than ninety days) before the commencement of the year for which the renewal is sought.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the municipal council or local board competent to issue a notification in respect of such place under sub-section (1) of section 249 of the (Tamil Nadu) District Municipalities Act, 1920, or sub-section (1) of section 193 of the (Tamil Nadu) Local Boards Act, 1920, as the case may be, such proportion of the fee received by the corporation for the grant or renewal of such licence as the (State Government) may, by general or special order, determine.

(9) No notification under sub-section (1) of section 249 of the (Tamil Nadu) District Municipalities Act, 1920, or sub-section (1) of section 193 of the (Tamil Nadu) Local Boards Act, 1920, shall, notwithstanding anything contained in those Acts, take effect in any area within three miles of the limits of the city except with the previous sanction of the (State Government).
1[288. (1) Every person intending—

(a) to construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power, water-power, or other mechanical power or electric power, or

(b) to instal in any place any machinery or manufacturing plant driven by steam, water, electric or other power [as aforesaid, not being machinery or manufacturing plant exempted by rules, shall before beginning such construction], establishment or installation make an application in writing to the commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by—

(a) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the [State Government]; and

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

1 Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

Under section 5A (1) of the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct, or re-construct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

This word was substituted for the word "premises" by section 76 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the words "as aforesaid shall before beginning such construction" by section 3 (i) of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

4 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(b) such particulars as to the power, machinery, plant or premises as the council may require by by-laws made in this behalf.

(3) The commissioner shall, as soon as may be, after the receipt of the application—

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, or

(b) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause a nuisance.

(4) Before granting permission under sub-section (3) the commissioner—

(a) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, obtain the approval of the inspector of factories appointed under the Factories Act, 1934 having jurisdiction in the city or if there is more than one such inspector, of the inspector designated by the (State Government) in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the (State Government), and

1 See now the Factories Act, 1948 (Central Act LXIII of 1948).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(b) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connexion with any such factory, workshop or work-place or any such machinery of manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment or unless fresh permission authorizing such employment has been obtained from the commissioner. Before granting such fresh permission, the commissioner shall obtain the approval of the inspector of factories, referred to in clause (a) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises with reference to the matters specified in that clause.

1 [(7) The grant of permission under this section—

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed, and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the necessity for compliance with the provisions of sections 234 and 236 or sections 248 and 249, as the case may be.]

1 This sub-section was substituted for original sub-section (7) by section 3(ii) of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act. VII of 1948).
Save as otherwise specially provided in this Act, if orders on an application for permission under sub-section (1) are not received by the applicant within sixty days after the receipt of the application by the commissioner, permission shall be deemed to have been granted subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

(9) Nothing contained in clause (a) of sub-section (4) and sub-section (6) shall apply if the approval to the factory, workshop, work-place or premises referred to therein has already been obtained under the provisions of any law relating to factories for the time being in force.

(2) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is in the opinion of the commissioner caused by the particular kind of fuel used or by the noise or vibration created he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

If there has been wilful default in carrying out such directions or if abatement is found impracticable, the commissioner may—

(a) prohibit the use of the particular kind of fuel; or

(b) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 5 p.m. and 6 a.m. or during any particular time or times between such hours.

These sub-sections were added by section 2 (i) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1974 (Tamil Nadu Act 39 of 1974).

Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., “Depots for combustibles” by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
1[289-A. Whenever it shall appear to the commissio-
ner that any factory, workshop, work-place or any
building or place in which steam, water or other
mechanical power or electric power is used, is not kept
in a cleanly state or is not ventilated in such a manner
as to render harmless as far as practicable any gas,
avour, dust or other impurity generated in the course
of the work carried on therein which in the opinion
of the commissioner is a nuisance or is so overcrowded
while work is carried on as to be dangerous or injurious
in the opinion of the commissioner to the health of
the persons employed therein, or that any engine,
mill-gearing, hoist or other machinery therein is so
fixed or so insecurely fenced as to be dangerous to
life or limb, the commissioner may by written notice
require the owner of such factory, workshop, work-
place or other building or place to take such order
as he thinks fit for putting and maintaining the said
factory, workshop, work-place or other building or
place in a cleanly state or for ventilating the same
or for preventing the same from being overcrowded
or for preventing danger to life or limb from any
engine, mill-gearing, hoist or other machinery therein.

Explanations.—Nothing in this section shall be
deemed to affect any of the provisions of the Indian
Boilers Act, 1923, or to authorize the commissioner
to issue any order relating to the fixing or fencing
of any engine, mill-gearing, hoist or other machinery
in any factory to which the provisions of the Factories
Act, 1934, are applicable.]}

1 [289-B. Whenever it shall appear to the commis-
sioner that any factory, workshop or work-place or
any building or any place in which steam, water or

---

1 Sections 287 to 289-D were substituted for the original sections
287 to 290 and the heading to section 290, viz., "Depots for com-
bustibles" by section 140 of the Madras City Municipal Amendment
Act, 1936 (Madras Act X of 1936).

2 See now the Factories Act, 1948 (Central Act LXIII of 1948).
other mechanical or electric power is employed, is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property or persons in the neighbourhood he may by written notice require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.

1[289-C. (1) The Commissioner or any person authorized by him in this behalf may enter any factory, workshop or work-place—

(a) at any time between sunrise and sunset,

(b) at any time when any industry is being carried on, and

(c) at any time by day or night if he has reason to believe that any offence is being committed against section 288, 289, 289-A or 289-B.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of the force necessary for the purpose of effecting an entrance under this section.]

1[289-D. The State Government may either generally or in any particular case make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 288, 289, 289-A or 289-B.]

1[290. * * * * ]

---

1Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2The words "Provincial Government" were substituted for the words "Local Government" in the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1956.
Washing and bathing.

291. The council shall set apart places for use by the public for bathing purposes and for washing animals.

292. (1) The commissioner may construct or provide and maintain [public bathing-houses], public wash-houses or places for the washing of clothes, and may [charge and levy such rents and fees] for the use of any such [bathing-house], wash-house or place as the [standing committee] may determine. [Such rents and fees shall be recoverable in the same manner as the property tax.]

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

5[(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons

1These words were inserted by section 141 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2These words were substituted for the words “require the payment of such rents and fees” by section 141 (i) (b), ibid.

3The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

4This sentence was added by section 141 (i) (c) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

5This sub-section was added by section 141 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
suffering from such diseases shall be washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the commissioner may lay down in that bahalf.]

293. (1) The commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

(a) public wash-houses or places maintained or provided under section 292; or

(b) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house or a place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

294. (1) The council shall provide a sufficient number of places for use as municipal slaughter-houses and the commissioner may charge and levy

---

1 These words were substituted for the words “the commissioner, with the approval of the standing committee, may charge such rents and fees for their use as he may think fit” by section 142 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
such rents and fees for their use as the [standing committee] may determine. Such rents and fees shall be recoverable in the same manner as the property tax.]

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of the [State Government], without the city.

295. [1] The owner of any place within the limits of the city or at a distance within three miles of such limits which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of carcasses shall apply to the commissioner for a licence not less than forty-five and not more than ninety days before the opening of such place as a slaughter-house or the commencement of the year for which the licence is sought to be renewed, as the case may be:

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3 This sub-section was substituted for the original sub-section (1) by section 143 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 These words were substituted for the words "shall not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the commissioner for a licence" by section 5 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).
Provided that this sub-section shall not take effect in any area outside the limits of the city except with the previous sanction of the ¹[State Government].

(2) The commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

296. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

297. No person shall slaughter within the city [except in a municipal or licensed slaughter-house] any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a licence from the commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

298. The commissioner may authorize any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

The Milk Trade.

299. (1) No person shall without or otherwise than in conformity with a licence from the commissioner—

(a) ²[carry on or be employed in] the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce ³[within the city];

(b) use any place in the city for the sale of milk or dairy produce:

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
² These words were inserted by section 144 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
³ These words were substituted for the words "carry on within . . . city" by section 145(1), ibid.
⁴ These words were added by ibid.
1[Provided that no such licence shall be given to any person who is suffering from a dangerous disease:

Provided further that such licence shall be deemed to have been suspended while the person to whom it is granted is suffering from a dangerous disease.]

(2) Such licence may be refused or may be granted either unconditionally or 2[on such conditions as the commissioner may deem necessary. Such conditions may relate to the construction, ventilation, conservancy, supervision and inspection of the premises whether within or without the limits of the city where the animals from which the milk-supply is derived are kept.]

Markets, Butchers' shops, etc.

300. All markets which are 3[acquired], constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

301. (1) The council may provide places for use as public markets.

4[(2) The commissioner may in any public market charge and levy any one or more of the following fees at such rates as the 5[standing committee] may

---

1 These provisos were added by section 145 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words "upon the conditions laid down by the commissioner" by section 145 (iii), ibid.

3 This word was inserted by section 146, ibid.

4 These sub-sections were substituted for original sub-section (2) by section 147, ibid.

5 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit—

(a) fees for the use of, or for the right to expose goods for sale, in such markets;

(b) fees for the use of shops, stalls, pens or stands in such markets;

(c) fees on vehicles or pack-animals carrying, or on persons bringing, goods for sale in such markets;

(d) fees on animals brought for sale into, or sold in, such markets; and

(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

(3) Such fees shall be recoverable in the same manner as the property tax.

(4) The council may, with the sanction of the State [Government], close any public market or part thereof.

302. (1) No person shall, without the permission of the commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 This section was substituted for original section 148 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 308 or any by-law made under section 349 or who commits default in payment of the fees leviable under section 301 may after three clear days' notice be summarily removed from such market by any municipal officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 301 and the expenses, if any, which the corporation may incur in such removal.

303. (1) The council shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for sale animals intended for human food or any article of human food shall be permitted in the city or any specified part of the city.

2[(2) (a) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the commissioner with the sanction of the standing committee which shall be guided in giving or refusing sanction, by the resolutions of the council passed under sub-section (1).

1 This sub-section was substituted for original sub-section (2) by section 149 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(b) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought (not less than forty-five and not more than ninety days) before such place is opened as a market.

304. (1) No person shall without or otherwise than in conformity with an annual licence granted by the commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made (not less than forty-five and not more than ninety days) before the commencement of the year for which licence is sought.

(2) The commissioner may by an order, (subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets) as he thinks fit—

(a) grant or refuse to grant or renew such licence, or

(b) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the commissioner shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section 308 or some by-law made under section 349, (x x x).

---

1 These words were substituted for the words "not less than thirty days" by section 6 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

2 These words were substituted for the words "in the first month of every year" by section 150 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were substituted for the words "subject to such restrictions and regulations" by section 150 (ii), ibid.

4 The words "or without the approval of the standing committee" were omitted by section 77 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(3) The commissioner shall cause a notice that the market has been so licensed to be affixed in English and in (Tamil) in some conspicuous place at or near the entrance to every such market.

(4) The commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and (Tamil) to some conspicuous place at or near the entrance to the premises.

3[304-A. Every licence granted under section 303 or section 304 shall expire at the end of the year for which it is granted.]

3[304-B. When a licence granted under section 304 permits the levy of any fee or fees, of the nature specified in sub-section (2) of section 301, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the commissioner for such licence.

305. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

306. The commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(a) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with latrines 4[of such description and in such position and number as the commissioner may think fit];

1This word was substituted for the words "two regional languages" by section 77 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2This word was substituted for the words "two vernacular languages" by section 77 (iii), ibid.

3Sections 304-A and 304-B were inserted by section 151 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4These words were inserted by section 162 (i), ibid.
Suspension or refusal of licence in default.

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the commissioner secure imperviousness and ready cleansing;

(c) ventilate (and light) it properly and provide it with a supply of water;

(d) provide passages of sufficient width between the stalls (and make such alterations in the stalls, passages, shops, doors or other parts of the market as the commissioner may direct); and

(e) keep it in a cleanly and proper state and remove all filth and rubbish therefrom.

307. (1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 306 the commissioner may, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

308. The commissioner may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act, or of any by-law made under section 349,

1 These words were inserted by section 152 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were inserted by section 152 (iii), ibid.
3 The words "with the sanction of the standing committee" were omitted by section 78 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
4 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(a) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept for use;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 296 in a cleanly and proper state, and for removing filth and rubbish therefrom;

(d) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that, in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(f) requiring that in market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

1308-A. (1) The council may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the council of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the council.

---

1 Sections 308-A and 308-B were inserted by section 153 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
308-B. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same handles, any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

309. [(1)] No person shall without or otherwise than in conformity with a licence from the commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of [flesh, fish or poultry intended for human food—](a) in any place within the limits of the city, or
(b) in any place within three miles of such limits and not included in any municipality constituted under the [Tamil Nadu] District Municipalities Act, 1920:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles:

[Provided further that no licence shall be required for any place included in a public market under the [Tamil Nadu] District Boards Act, 1920, the [Tamil Nadu] Village Panchayats Act, 1950 or the [Tamil Nadu] Panchayats Act, 1958.]

1 Sections 308-A and 308-B were inserted by section 153 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 Original section 309 was renumbered as section 309 (1) by section 154 (1), ibid.
3 This was substituted for the words “flesh or fish intended for human food” by section 154 (1) (i), ibid.
4 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
5 This proviso was substituted for the original second proviso by section 79 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

1[(2) The commissioner may by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the licence.]

310. The commissioner may, with the sanction of the [standing committee], prohibit by public notice or licence or regulate the sale or exposure for sale, of any [animal, bird or article] in or on any public street or part thereof.

3[310-A. If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the commissioner shall make a

1 These sub-sections were added by section 154 (2) of Madras Act X of 1936.

2 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 These words were substituted for the word "articles" by section 155 of Madras Act X of 1936.

4 This section was inserted by section 156, ibid.
reference to the 1[State Government] and the decision of the 1[State Government] on the question shall be final.]

Inspection of places for sale, etc.

311. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

312. (1) The commissioner or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale, at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the commissioner or any person so authorized by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with, a licence he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, by-laws, or regulations or any condition of a licence is being contravened.

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
(3) No claim shall lie against the commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

313. No person shall in any manner whatsoever obstruct the commissioner or person duly authorized by him in the exercise of his powers under the last preceding section.

314. If it appears to the commissioner or a person duly authorized by him—

(a) that any animal, poultry or fish intended for food is diseased, or

(b) that any article of food is noxious, or

(c) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious,

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.

1 This section was substituted for original section 314 by section 157 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
315. No person shall remove or in any way interfere with anything secured under the last preceding section.

316. (1) When any animal, poultry, fish or other article of food [or any utensil or vessel] is seized under section 314, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

317. (1) Articles of food, animal, poultry, fish, utensils, or vessels, seized under section 314 and not destroyed under section 316 shall as soon as possible be produced before a magistrate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 314 he may order the same,

(a) to be forfeited to the corporation,

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

1 These words were inserted by section 158 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "in such manner as to prevent its being used for human food or exposed for sale" were omitted by section 188 (ii), ibid.
Disposal of the dead.

318. If it appears to the commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control, and register such place, or may, with the sanction of the council, close it.

319. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundaries, and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the commissioner may require.

(3) The commissioner may, with the sanction of the council,

(a) grant or refuse a licence, or
(b) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

320. (1) The council may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within or without the limits of the city, and may charge and levy rents and fees for the use thereof.
(2) If the corporation provide any such place without the limits of the city, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the city shall apply to such place and all offences against such provisions or by-laws shall be cognizable by the presidency magistrates* as if such place were within municipal limits.

321. (1) A book shall be kept at the municipal office in which the places registered, licensed or provided under section 318, section 319 or section 320, and all such places registered, licensed, or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid, shall be affixed in English and in Tamil to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commissioner shall annually publish a list of all places registered, licensed, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

322. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the commissioner in that behalf.

* These words were substituted for the words “in at least one vernacular language” by section 80 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

*Consequent on the coming into force on the 1st April 1974 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the presidency magistrates are now designated as Metropolitan Magistrates.
323. No person shall make a vault or grave, or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the commissioner may, subject to the general or special orders of the ¹(State Government), authorize the burial in such vault of near relatives of the family to whom it belongs.

324. (1) If the commissioner is of opinion—

²[((a) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the council or by the ¹(State Government) is in such a state or situation as to be or to be likely to become dangerous to the health of persons living in the neighbourhood thereof, or,]

(b) that any burial ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may, with the consent of the council and the previous sanction of the ¹(State Government), give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1960.

² This clause was substituted for original clause (a) by section 160 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) Every notice given under sub-section (1) shall be published and a translation thereof \[\text{in Tamil}\] shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place except with the permission of the commissioner.

\[\text{325. No person shall—}\]

\( (a) \) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground; or

\( (b) \) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave; or

\( (c) \) without the sanction in writing of the commissioner or an order in writing of a magistrate, reopen a grave already occupied; or

\( (d) \) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground, and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

\( (e) \) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothing to remain without being completely reduced to ashes; or

---

\[1 \text{ These words were substituted for the words "in at least one vernacular language" by section 81 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961.)}\]

\[2 \text{ This section was substituted for original section 325 by section 161 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).}\]
(f) carry through any street a corpse or part thereof not decently covered; or

(g) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.]

326. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the commissioner.

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASE.

VITAL STATISTICS.

327. (1) The corporation shall register all births and deaths occurring in the city.

(2) [Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

This section was inserted by section 162 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

These words were substituted for the words “Such registration” by section 163, ibid.

This section was omitted by section 164, ibid.
Dangerous Diseases.

329. The 1[State Government] may, by notification, declare any epidemic, endemic or infectious disease 2[[not already notified under clause (10) of section 3]] to be a "dangerous disease" for the purposes of this Act.

330. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the commissioner may require.

(3) The commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.

Explanation.—Sub-sections (1) and (2) shall apply to a hakim or a vaidyan.

331. The commissioner 3[or health officer] may at any time by day or by night without notice, or after giving such notice as may appear to him reaso-
nable, inspect any place in which any dangerous disease is reported or suspected to exist, and except in cases where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any Government or municipal medical institution intended for the treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

**Prevention of infection.**

332. The commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

333. (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease,

or if, in the case of any other person, it appears to the health officer or assistant health officer whether on a certificate signed by a medical practitioner registered under the [Tamil Nadu] Medical Registration Act, 1914, or otherwise] that such person is suffering from a dangerous disease, and

(a) is without proper lodging or accommodation; or

(b) is lodged in a place occupied by more than one family; or

---

1 These words were substituted for the words “and take such measures” by section 165 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words and figures were inserted by section 166, ibid.

3 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1965, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
(c) is without medical supervision directed to prevent the spread of the disease, and if such officer in charge, health officer or assistant health officer, as the case may be, considers, that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment, he may remove such person or cause him to be removed to the said hospital or place:

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public, be removed, to any hospital or place under sub-section (1),

(a) the removal shall be effected in such a way as to preserve her privacy;

(b) special accommodation suited to such custom shall be provided for her in such hospital or place; and

(c) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Dissection of buildings and articles.

334. (1) If the commissioner ¹[or health officer] is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article

¹ These words were inserted by section 167 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the commissioner \^[or health officer\] considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the commissioner \^[or health officer\] may himself without notice cause such building or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the commissioner \^[or health officer\] shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner \^[or health officer\], not unable by reason of poverty effectually to comply with such requisition.

335. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may, in the circumstances of the case, appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

\^[These words were inserted by section 167 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).\]
336. (1) The commissioner may—

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection \[from any dangerous disease\], and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the \[standing committee\].

(2) The commissioner \[shall from time to time notify places\] at which conveyances, clothing, bedding or other articles which have been exposed to infection \[from any dangerous disease\] shall be washed \[and disinfected\] and no person shall wash \[or disinfect\] any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding or other articles likely to retain infection \[from any dangerous disease\] to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

337. No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

---

1 These words were inserted by section 168 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “central committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 These words were substituted for the words “may notify places” by section 168 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

4 These words were inserted by section 168 (iii), ibid.
1[337-A. If any person knows or has been certified by the health officer, a medical officer in the service of the Government or of the corporation or a medical practitioner registered under the Tamil Nadu Medical Registration Act, 1914, that he is suffering from a dangerous disease he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the disease.]

338. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Act such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance; the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal.

1 This section was inserted by section 169 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The word "Crown" was substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

8 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.
339. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

340. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purposes of sub-section (1), the keeper of a hotel, lodging house or emigration depot shall be deemed to let the same or part of the same to any person accommodated therein.

341. In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the 1[standing committee], by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the 1[standing committee].

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961): and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
342. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

343. (1) [No person who is suffering from an infectious disease shall take any book] or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

Explanation.—For the purposes of this section the commissioner shall from time to time notify what diseases are to be deemed infectious.

---

1 These words were substituted for the words “If any person knows that he is suffering from any infectious disease he shall not take any book” by section 170 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
1[343-A. If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the commissioner may by public notice prohibit the removal or use of such water for drinking and domestic purposes during a specified period.]

Smallpox.

2[344. The Corporation shall enforce vaccination throughout the City, and it may enforce revaccination throughout the City or in any part thereof, in respect of such persons, to such extent, and in such manner, as may be prescribed.]

345. Where an inmate of any dwelling place within the city is suffering from smallpox the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division, with the least practicable delay.

346. (1) Inoculation for smallpox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the council may authorize to grant such certificate stating that such person is no longer likely to produce smallpox by contact or near approach.

---

* This section was inserted by section 171 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

* This section was substituted by section 2 of the Madras City Municipal (Amendment) Act, 1955 (Tamil Nadu Act IV of 1955). This was brought into force on the 1st January 1956. The original section was substituted by section 172 of Madras Act X of 1936.
PART V.
SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and Schedules.

347. (1) The \[^{1}\text{State Government}\] may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) provide for all matters expressly required or allowed by this Act to be prescribed;

\[^{2}\text{(b) regulate or prohibit the moving of any resolution or the making of any motion on, or the discussion of, any matter unconnected with the municipal administration;}]\]

\[^{3}\text{((bb) provide for the procedure to be followed at meetings of the \[^{4}\text{standing committee \[^{5}( \text{ * * * })\] and for the conduct of business and the number of members which shall form a quorum at such meetings;}]\}

\[^{2}\text{((c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions\]}

---

\[^{1}\text{The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.}\]

\[^{2}\text{Clauses (b), (c), (d), (e), (f) and (g) were substituted for original clauses (b), (c) and (d) by section 173 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).}\]

\[^{3}\text{This clause was inserted by section 83(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).}\]

\[^{4}\text{These words were substituted for the words "contracts committee, the licence appeals committee and the appointments committee" by section 29 (1) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).}\]

\[^{5}\text{The words "and the appointments committee" were omitted by section 4 of the Madras City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 25 of 1972).}\]
under which the ratepayers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom:

1[(cc) * * * ]

2[(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and returns shall be made and the officers to whom they shall be sent;

(e) regulate the sharing between local authorities in the 3[State of Tamil Nadu] of the proceeds of the profession tax, tax on carriages and animals, tax on carts, and other taxes or income levied or obtained under this or any other Act;

(f) prescribe the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence; and

(g) prescribe the form of warrant under rule 21 of Schedule IV and the form of notice of sale under rule 24 of the same schedule.]

1 The following clause, which was inserted by section 83(ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), was omitted by section 29(2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971):

"(cc) regulate the allocation of funds to circle committee on an equitable basis having regard to the population and road mileage of the circles concerned and other relevant factors.".

2 Clauses (b), (c), (d), (e), (f) and (g) were substituted for original clauses (b), (c) and (d) by section 173 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.
The [State Government] may make rules altering, adding to, or cancelling [any of the Schedules to this Act except Schedules I, VII and VIII].

All references made in this Act to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

A draft of the rules proposed to be made under sub-section (3) shall be laid [before both (Houses) of the (State) Legislature] and the rules shall not be made unless [both (Houses) approve] the draft either without modification or addition or with modifications or additions [to which both (Houses) agree]; but upon such approval being given the rules may be made in the form in which they have been approved and such rules on being so made shall be notified in the (Official Gazette) and shall thereafter be of full force and effect.

---

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words and figures were substituted for the words and figures "any part of Schedule III or Schedule VI or Parts II to IV of Schedule V" by section 173 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 Original sub-section (5) was re-numbered as sub-section (6) and new sub-section (5) was inserted by section 173 (iii), ibid.

4 These words were substituted for the words "on the table of the Legislative Council" by the Adaptation Order of 1937.

5 This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.

6 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

7 These words were substituted for the words "the Legislative Council approves" by the Adaptation Order of 1937.

8 These words were inserted by ibid.

9 These words were substituted for the words "Fort St. George" by the Adaptation Order of 1937.
1 [ (6) ] In making any rule the \[State Government\] may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

348. The power to make rules \[and the power to issue notifications under this Act\] are subject to the following conditions:—

4[(a) A draft of the rules under section 347 or of a notification under section 45 shall be published in the Official Gazette and forwarded to the Council for its opinion.

(b) Such draft shall not be further proceeded with until three weeks after such publication or until such later date as the State Government may appoint.]

(c) All rules made under section 347 shall be published in the \[Official Gazette\] and upon such publication shall have effect as if enacted in this Act.

4[(d) Every rule made under this Act other than that made under sub-section (3) of section 347 and every notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or

1 Original sub-section (5) was re-numbered as sub-section (6) and new sub-section (5) was inserted by section 173 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3 These words were substituted for the words and figures "under section 347 and the power to issue notifications under section 45" by section 84(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 Clauses (a) and (b) were substituted for original clauses (a) and (b) by section 12 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

5 These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

6 This clause was added by section 84 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree 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.]

**By-laws.**

349. The council may make by-laws, not inconsistent with this Act or with any other law to provide—

1[(1) for all matters expressly required or allowed by this Act to be provided for by by-law ;]

1[(1-A) for the due performance by all municipal officers and servants of the duties assigned to them ;]

(2) for the regulation of the time and mode of collecting the taxes and duties under this Act ;

3[(2-A) for determining the conditions under which lands shall be deemed to be appurtenant to building ;]

(3) (a) for the use of public tanks, wells, conduits and other places or works for water-supply ;

(b) for the regulation of public bathing, washing and the like ;

1 Original clause (1) was renumbered as clause (1-A) and new clause (1) was inserted by section 174 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words “duties and tolls” by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

3 This clause was inserted by section 174 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(c) for the maintenance and protection of the water-supply system, and the protection of water-supply from contamination;

(d) for the terms and conditions on which house connections with the corporation's water-supply mains may be made; for their alteration and repair and for their being kept in proper order;

(e) for supply of water for domestic consumption and use;

(f) for the prevention of waste of water;

(g) for the measurement of water;

(h) for the compulsory provision of cisterns and meters;

(i) for the supply of water in case of fire;

(4) for the maintenance and protection of the lighting system;

(5) (a) for the maintenance and protection of the drainage system;

(b) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(c) for the alteration and repair of house drains;

(d) for the cleansing of house drains;

(e) for the construction of closed cess-pools and drains:

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

1 These words were substituted for the word "conditions" by section 174 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(7) (a) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(b) for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;

(8) (a) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

1[(b)] for the protection of avenues, trees, grass and other appurtenances of public streets and other places;

2[(c) for regulating the leasing of road-sides and street-margins vested in the corporation.]

(9) for the regulation of the use of parks, gardens and other public or municipal places 3[but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic];

(10) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

---

1 Original sub- clauses (b) and (c) were omitted and sub-clause (d) was relettered as sub-clause (b) by section 6 (1) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).
2 This sub-clause was added by section 85 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
3 These words were added by section 6 (ii) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).
(c) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;

(11) for the regulation (and licensing) of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee-houses, and any premises to which the public are admitted for repose or for the consumption of any food or drink [or any place where any food or drink is exposed for sale];

(12) for regulating the mode of constructing stables, cattle-sheds and cowhouses and connecting them with municipal drains;

[(12-A) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein:]

(13) for the sanitary control and supervision of [factories and] places used for any of the purposes specified in Schedule VI and of any trade or manufacture carried on therein;

(14) (a) for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses;

(b) for the control and supervision of the methods of slaughtering;

(c) for the control and supervision of butchers carrying or business in the city or at any slaughter-house without the city provided or licensed by the corporation;

1 These words were inserted by section 174 (iv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This clause was inserted by section 174 (v), ibid.

3 These words were inserted by section 174 (vi), ibid.
(15) for the inspection of milk-cattle and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairymen or milk-sellers;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product [and for enforcing the cleanliness of persons employed in the milk trade];

(17) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(18) (a) for the inspection of public and private markets and shops and other places therein;

(b) for the regulation of their use and the control of their sanitary condition; [and ]

2[(c) for licensing and controlling brokers, commission agents and weighmen and measurers practising their calling in markets;]

(19) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(20) for prescribing and providing standard weights, scales and measures and preventing the use of any others;

(21) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

1 These words were inserted by section 174 (vii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This word and sub-clause (c) were inserted by section 174 (viii).
(22) (a) for the regulation of burial and burning grounds and other places for the disposal of corpses;

(b) for the levy of fees for the use of such burial and burning grounds, and crematoria as are maintained by the corporation;

(c) for the verification of deaths and the causes of death;

(d) for the period for which corpses must be kept for inspection;

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(23) for the registration of births, deaths and marriages;

1[(24) for the training and licensing of dhais and midwives;]

(25) for the prevention of dangerous diseases of men or animals;

(26) for the enforcement of compulsory vaccination 2[or revaccination];

(27) for the prevention of outbreaks of fire;

(28) for the prohibition and regulation of advertisements 3[ . . . . ];

(29) in general for securing cleanliness, safety and order and the good government and well being of the city and for carrying out all the purposes of this Act,

1 This clause was substituted for original clause (24) by section 174 (ix) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were inserted by section 174 (x), ibid.

3 The words “in public streets or parks” were omitted by section 174 (xi), ibid.
350. By-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connexion with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or of this Act.

351. In making any by-law under sections 349 and 350 the council may subject to the provisions of clause (1) of article 20 of the Constitution, provide that a breach thereof shall be punishable—

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the commissioner to discontinue such breach.

352. [(1)] No by-law made by the council under this Act shall have any validity unless and until it is sanctioned by the [State Government].

[(2)] The State Government may, at any time, by notification repeal wholly or in part or modify, any by-law:

---

1 These words and figures were inserted by the Adaptation (Amendment) Order of 1950.

2 Section 352 was renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered sub-sections (2) and (3) were added by section 30 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
Provided that before taking any action under this sub-section, the State Government shall communicate, to the council the grounds on which they propose to do so, fix a reasonable period, for the council to show cause against the proposal and consider its explanations and objections, if any.

(3) The repeal or modification of any by-law shall take effect from the date of the order and shall not affect anything done, omitted to be done or suffered before such date.

353. The power to make by-laws under this Act is subject to the conditions—

(a) that a [draft of the proposed by-law] is published in the [Official Gazette] and in the local newspapers;

(b) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof [in the [Official Gazette]] or of such longer period as the council may appoint;

(c) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge; and

(d) that printed copies of the draft shall be sold to any person requiring them, on payment of such price, as the commissioner may fix.

---

1 These words were substituted for the words "draft of the by-law" by section 175 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

3 These words were inserted by section 175 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Rules in lieu of by-laws.

(1) If, in respect of any of the matters specified in section 349, the council has failed to make any by-laws or if the by-laws made by it are not, in the opinion of the "State Government" adequate, the "State Government" may make rules providing for rules in lieu of by-laws, such matter to such extent as they may think fit.

(2) Rules made under this section, may add to, alter, or cancel any by-laws made by the council.

(3) If any provision of a by-law made by the council is repugnant to any provision of a rule made under this section, the rule shall prevail and the by-law shall, to the extent of the repugnancy, be void.

(4) The provisions of sections 350, 351 and 353, of the second sentence of sub-section (1) of section 354, and of section 356 shall apply to the rules made under this section as they apply to the by-laws made under section 349, with the substitution of the words, "[State Government]" for the word "council" in section 351 and clause (b) of section 353 and of the words "[State Government]" for the word "commissioner" in clause (d) of section 353.

(5) Before making any rules under this section, the "State Government" shall give the council an opportunity of showing cause against the making thereof.

1 This heading and section 353-A were inserted by section 176 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
Publication of Rules, By-laws and Regulations.

354. 1[(1) When any rule or by-law has been made, under this Act, such rule or by-law shall be published in the Official Gazette in English and [in Tamil]. A by-law shall come into operation three months after it has been published as aforesaid.]

(2) The commissioner shall cause all rules and by-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

(3) The commissioner shall from time to time advertise in the local newspapers that copies of rules and by-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The commissioner shall publish lists of offences and fines under this Act and the rules and by-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of a fixed price.

355. Regulations made under this Act shall be published in such manner as the council may determine.

356. (1) Printed copies of by-laws under section 349, clauses (8) (b), (c), (d) and (9) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.

---

1 This sub-section was substituted for the original sub-section (1) by section 177 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

1 These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

1 These words were substituted for the words "in the Tamil, Telugu and Hindustani languages" by section 86 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 36 of 1961).
(2) Printed copies of other by-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, by-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

Chapter XV.—Penalties.

357. (1) Whoever—

(a) contravenes any provision of any of the sections or rules of this Act specified in the first column of Schedule VII; or

(b) contravenes any rule or order made under any of the said sections or rules; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections, or rules;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections or rules of this Act specified in the first column of Schedule VIII; or
(b) contravening any rule or order made under any of the said sections or rules; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections, or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation. —The entries in the second column of Schedules VII and VIII headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules, as the case may be.

1[358. (1) If a councillor 2[* * * ] votes in contravention of section 34, or if any person acts as a councillor 2[* * * ] knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall on conviction be punished with fine not exceeding two hundred rupees for every such offence.

1 This section was substituted for original section 358 by section 170 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "or an alderman" were omitted by section 2 (1) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
ceased to be entitled to hold such office or to exercise such function, he shall on conviction be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the Mayor or Deputy Mayor fails to hand over any documents of, or any money or other properties vested in, or belonging to, the corporation, which are in or have come into his possession or control to his successor in office or other prescribed authority, in every case as soon as his term of office as Mayor or Deputy Mayor expires and in the case of the Deputy Mayor also on demand by the Mayor, such Mayor or Deputy Mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

359. If the commissioner or any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant, any personal share or interest in any contract or employment with, by, or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code: provided that no person shall, by reason of being a share-holder in, or member of, any company, be held to be interested in any contract between such company and the corporation unless he is a director of such company.

360. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 116 who omits to obtain, within 15 days of the service of a bill on him, a licence under section 121 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such cost as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.
(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 119, fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

361. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall on conviction by a magistrate be liable to a fine not exceeding twice the amount of the tax found to be due.

362. If the construction or re-construction of any building or well—

(a) is commenced without the permission of the commissioner, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section 244 or section 255 are not duly made, or

if any person to whom a direction is given by the commissioner to alter or demolish a building or well under section 256 fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.
363. (1) In the absence of a written contract to the contrary, every scavenger employed by the corporation shall be entitled to one month’s notice before discharge or to one month’s wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month’s notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

(3) The [State Government] may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of municipal servants whose functions concern the public health or safety.

364. Every person who prevents the commissioner, or any person to whom the commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

2 [364-A.] If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information, such person shall, on conviction, be punished with fine not exceeding one hundred rupees.]

1 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

* This section was inserted by section 179 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
PART VI.

CHAPTER XVI. —PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

365. (1) Every licence or permission granted under this Act or any rule or by-law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted, and shall be signed by the commissioner.

2[(2) (a) Save as otherwise expressly provided in or may be prescribed under this Act for every such licence or permission fees shall be paid in advance on such units and at such rates as may be fixed by the council:

\[\text{[***]}\]

Provided \[\text{[***]}\] that not more than one fee shall be levied in respect of any purpose specified in more heads than one of Schedule VI if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(b) The council may compound for any period not exceeding three years at a time with the owner of any mill or factory for a certain sum to be paid in lieu of the fees payable in respect of such mill or factory.

(c) Every order of the commissioner or other municipal authority granting or refusing a licence or permission shall be published on the notice board of the corporation.]

---

1 This sub-section was substituted for original sub-section (2) by section 130 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 The first proviso to clause (a) and the word "further" occurring in the second proviso to that clause were omitted by section 87(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
(3) Every [order of the commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and] shall state the grounds on which it proceeds.

(4) Subject to the special [provisions in Chapters X, X-A and XII regarding buildings, chelis, and hutting grounds and private markets] and subject to such sanction as may be required for the refusal of a licence or permission, [ ] any licence or permission granted under this Act or any rule or by-law made under it may at any time be suspended or revoked by the commissioner if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, by-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the commissioner to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, by-laws, regulations, any condition of a licence or permission

---

1 These words were substituted for the words “order of the commissioner refusing to grant a licence or permission” by section 180(ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This expression was substituted for the words and figures “provisions regarding building in Chapter X and private markets in Chapter XII” by section 180 (iii), ibid.

3 The words “and to such appeal as may be provided in case of refusal” were omitted by ibid.
or any lawful direction \[1\text{or prohibition}\] is being contravened and no claim shall lie against any person for any damage or inconvenience \[2\text{necessarily}\] caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or by-law made under it be deemed to be without a licence or permission until the \[3\text{order suspending or revoking the licence or permission is cancelled}\] or subject to sub-section (10), until the licence or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall, at all reasonable times while such licence or permission remains in force, produce the same at the request of the commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission \[6\text{or to make a registration}\] required by the provisions of this Act, or by any rule or by-law made under this Act, the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the corporation the amount of the fee chargeable for the licence or permission or for

---

1. These words were inserted by section 180(iv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2. This word was inserted by \textit{ibid}.
3. The word "commissioner's" was omitted by section 180 (v), \textit{ibid}.
4. The words "by him" were omitted by \textit{ibid}.
5. These words were substituted for the words "or registration" by section 180 (vi), \textit{ibid}.
registration and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.

(9-A) Save as otherwise expressly provided in or may be prescribed under this Act, every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than forty-five and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application and shall be accompanied by the fee referred to in clause (a) or the sum referred to in clause (b) of sub-section (2).

(10) The acceptance by the corporation of the prepayment of the fee referred to in clause (a) or the sum referred to in clause (b) of sub-section (2) for a licence or permission or for registration shall not entitle the person making such prepayment to the licence or permission or to registration, as the case may be, but only to refund of an amount not exceeding one-half of the fee or sum aforesaid as may be decided.

---

1 These words were inserted by section 180 (vi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were inserted by section 180 (vii), ibid.

3 This sub-section was inserted by section 7 of the Madras City Municipal (Second Amendment) Act, 1941 (Madras Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

4 These words, brackets, letters and figure were added by section 87 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 86 of 1961).

5 These words, brackets, letters and figure were inserted by section 87 (iii) (a), ibid.

6 These words were substituted for the words “but only to refund of the fee” by section 87 (iii), ibid.
by the council] in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and, save as otherwise specially provided in this Act, if orders on an application for a licence or permission or for registration are not [received by the applicant within sixty days after the receipt of the application] by the commissioner the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

Appeals.

366. (1) An appeal shall lie to the 2[standing committee] from—

(a) any notice issued or other action taken or proposed to be taken by the commissioner—

(i) under 3[section] 4[129-E], 178, 186, 187, 188, 190, 244, 256 (3), 258 (1), 259 (1), 264 (1), 265, 266, 273, 282, 283, 284, 288, 3 or 289;

---

1 This expression was substituted for the expression "communicated to the applicant within forty-five days after the receipt of the application" by section 2 (ii) of the Tamil Nadu Local Authorities Laws (Amendment) Act, 1974 (Tamil Nadu Act 39 of 1974).

2 The words "licence appeals committee" were substituted for the words "standing committee" by section 88 (i) and 88 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "licence appeals committee" by section 31 (1) and 31 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 The words "section" and "or" were respectively substituted for the words "sections" and "and" by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).

4 This expression was inserted by section 181 (i) (a) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(ii) under any by-law concerning house-drainage or the connexion of house-drains with municipal drains, or house-connexion with municipal water-supply or lighting mains;

(b) any refusal by the commissioner to approve a building site under section 237, to grant permission to construct or reconstruct a building under section 238 or 250;

(c) any refusal by the commissioner to grant a permission under \( [\text{section}] \) 2[129-B], 181, 262, or 8[288 (3)]; \( 4[ \] ]

(d) any refusal by the commissioner to grant a licence under \( [\text{section}] \) 282, 287, 5[ . ], 295, 299 or 304 (2); \( 4[ \] ]

(e) any order of the commissioner made under section 365, sub-section (4), suspending or revoking a licence;

(f) any other order of the commissioner that may be made appealable by rules under section 347.

\( 6[\] \( (2) \) (a) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the commissioner
or any order passed by him, then, the commissioner may, within one month from the date of such decision, refer the matter to the council and pending the decision of the council on such reference, the commissioner shall not be bound to give effect to the decision of the standing committee.

(b) The decision of the standing committee or where the matter has been referred to the council under clause (a), the decision of the council shall be final.]

1[367. In any case in which no time is laid down in the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal shall, subject to the provisions of section 5 of the *Indian Limitation Act, 1998, be presented—

(a) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the corporation, and

(b) in other cases within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.]

2[Power to summon.]}

2[367-A. All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the produc-

---

1 This section was substituted for original section 367 by section 182 of Madras Act X of 1936.

* This heading and section were inserted by section 184, cited.

* See now the Limitation Act, 1963 (Central Act 36 of 1963).
section of documents, as are conferred upon revenue officers by the Madras Revenue Summonses Act, 1869, and the provisions of sections 2, 3, 4 and 5 of that Act, shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

2[ . . . . ]

368. The commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, or permission under the provisions of this Act.

Procedure.

369. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

370. Whenever under this Act or any rule, by-law or regulation made under it the doing or the omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the council, [a standing committee], or the commissioner, or

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

2 The heading to section 368, viz, "Commissioner's power to summon" was omitted by section 183 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 The words "a committee constituted under this Act" were substituted for the words "a standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "a standing committee" were again substituted for the words "a committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(b) any municipal officer,

a written document signed in case (a) by the com- 
sissioner and in case (b) by the said municipal officer, 
purporting to convey or set forth such approval, 
sanction, consent, concurrence, declaration, opinion 
or satisfaction, shall be sufficient evidence thereof.

371. (1) Every licence, permission, notice, bill, 
schedule, summons, warrant or other document 
which is required by this Act or by any rule, by-law 
or regulation made under it to bear the signature 
of the commissioner or of any municipal officer shall 
be deemed to be properly signed if it bears a facsimile 
of the signature of the commissioner or of such 
municipal officer, as the case may be, stamped there-
upon.

(2) Nothing in sub-section (1) shall be deemed to 
apply to a cheque drawn upon the municipal fund 
or to any deed of contract.

371-A. Save as otherwise provided, every notifi-
cation under this Act shall be published in the [Official 
Gazette], in [English and Tamil].

372. Every order, notice or other document directed 
to be published under this Act or any rule, by-law or 
regulation made under it, shall, unless a different 
method is prescribed by this Act or by the council,

---

1 This word was inserted by section 184 (i) of the Madras 
City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were substituted for the words “any contract” 
by section 184 (b), ibid.
3 This section was inserted by section 185, ibid.
4 These words were substituted for the words “Fort St. George 
Gazette” by the Adaptation Order of 1937.
5 These words were substituted for the words “English, Tamil, 
Telugu and Hindi” by section 89 of the Madras City Municipal 
6 This section was substituted for original section 372 by section 
186 of the Madras City Municipal (Amendment) Act, 1936 (Madras 
Act X of 1936).

"[or the standing committee], as the case may be, be translated into Tamil, 2 [ * * * * ] and deposited in the office of the corporation and copies thereof in English and 3 [in Tamil] shall be posted in a conspicuous position at such office and at such other places as the council 4 [or the standing committee], as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so posted and that the originals are open to inspection at the office of the corporation.]

373. Whenever it is provided by this Act or by any publication in newspapers.

rule, by-law or regulation made under it that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the same, such notice, notification or information, shall be inserted in at least one English and one 4[Tamil] newspaper published in the city.

1 The words "or the committee constituted under this Act" were substituted for the words "or the standing committee" and "or standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 1961); and the words "or the standing committee" were again substituted for the words "or the committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words "Telugu and Hindustani" were omitted by section 90 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 1961).

3 These words were substituted for the words "in the said vernaculars" by section 90 (ii), ibid.

4 This word was substituted for the word "vernacular" by section 91, ibid.
Notice of prohibition or setting apart of places.

Method of serving documents.

374. (1) When any notice or other document is required by this Act, or by any rule, by-law, regulation, or order made under it to be served on or sent to any person, the service or sending thereof may be effected—

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or

(c) if such person does not reside in the city and his address elsewhere is known to the commissioner, by sending the same to him by post registered; or

This section was inserted by section 187 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

The words "a committee constituted under this Act" were substituted for the words "a standing committee" by section 101 of and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 1961); and the words "a standing committee" were again substituted for the words "a committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

The words "Telugu and Hindustani" were omitted by section 92 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 1961).

These words were substituted for the words "to some adult member or servant" by section 188 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

[(3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided, such period shall, in the absence of an express provision to the contrary in this Act, be calculated from the date of such service or sending by post registered.]

Relation of Occupier to Owner.

375. [If the occupier of any building or land makes Recovery on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable] such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

376. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

1 This sub-section was added by section 188 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words, "If any rent, tax or sum leviable under this Act from the owner is recovered from the occupier" by section 189, ibid.
(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default, [in executing such works.]

377. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, regulation or order made under it, the occupier of such building or land may, with the approval of the commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Commissioner's powers of entry [and inspection].

378. The commissioner [or any person authorized by him in this behalf] may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, test, examination, survey, measurement or valuation, or for the purpose of [lawfully] placing or removing meters, instruments, pipes or apparatus, or to execute any other work which is authorized by the provisions of this Act or of any rule, or law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute:

Provided that—

(a) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

---

1 These words were added by section 190 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were inserted by section 191, ibid.

3 These words were inserted by section 192 (i), ibid.

4 This word was inserted by section 192 (ii), ibid.
(b) except when it is in this Act otherwise expressly provided no dwelling house, and \[no part of a public building or hut\] which is used as a dwelling-place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours’ previous notice of the intention to make such entry;

(c) sufficient notice shall be in every case given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

379. (1) The commissioner \[or any person authorized by him in this behalf\] may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorized by this Act by works. any rule, by-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The commissioner \[or such authorized person\] shall, before entering on any land under sub-section (1), give the owner and occupier three days’ previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

\[1\] These words were substituted for the words “no public building or hut” by section 192 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\[2\] These words were inserted by section 193 (i), ibid.

\[3\] These words were inserted by section 193 (ii), ibid.
(3) The commissioner [or such authorized person] shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. *The commissioner shall pay compensation* to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the standing committee, whose decision shall be final.

4[Power to enforce licensing provisions.

379-A. (1) If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of the council, standing committee or commissioner in the office of the corporation is necessary for the doing of any act and if such act is done without such licence or permission or registration or in a manner inconsistent with the terms of any such licence or permission then—

(a) the commissioner may by notice require the person so doing such act to alter, remove or as far as practicable restore to its original state the whole or any

---

1 These words were inserted by section 193 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were substituted for the words "and shall pay compensation" by section 193 (iii), ibid.
3 The words "licence appeals committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "licence appeals committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Terms of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).
4 This heading and section were inserted by section 194 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
5 The words "committee constituted under this Act" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).
part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice;

(b) the commissioner or any officer duly authorized by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act; and

(c) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

(2) No claim shall lie against the commissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.]

Commissioner's power to execute in default.

380. (1) Whenever, by any notice, requisition, or order under this Act or under any rule, by-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the commissioner may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.
1[(3) If no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.]

381. 2[(1) The commissioner may recover any reasonable expenses incurred under section 380 from the person or any one of the persons to whom the notice, requisition or order was addressed in the same manner as the property tax and may, in executing work or taking measures under section 380, utilize any materials found on the property concerned or may sell them and apply the sale-proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the commissioner may (whether any action or other proceedings has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner to pay to the corporation instead of to the owner the rent payable by him in respect of such property as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the commissioner may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2) the commissioner may require any occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.]

---

1 This sub-section was added by section 195 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These sub-sections were substituted for original sub-sections (1), (2), (3) and (4) by section 196, ibid.
1[(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.]

382. Instead of recovering any such expenses as Power of aforesaid in the manner provided under section 387, the commissioner may, if he thinks fit and with the approval of the *standing committee* take an agree- ment from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

383. If the expenses to be recovered have been incurred or are to be incurred in respect of any work Power to mentioned

3[(a) in section 168, section 169, section 177, section 178, section 179, section 186, clause (b) of sub-section (1) of section 209, section 218, sub-sections (1) and (2) of section 264, section 269, section 273, section 306, or section 380; or ]

(b) in any rule made under this Act in which this section is made applicable to such expenses, the commissioner may, if he thinks fit and with the approval of the *standing committee*, declare such expenses to be improvement expenses.

---

1. Sub-section (5) was renumbered as sub-section (4) by section 196 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2. The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 66 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3. This clause was substituted for original clause (a) by section 197 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
384. (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon, within such period not exceeding twenty years as the commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged:

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

385. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.

386. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation or order made under it for the discharge of which money is required he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling any person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the commissioner may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall
come to his hands on behalf or for the use of the principal or beneficial owner, as the case may be; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the Corporation.

1[387. All costs, damages, penalties, compensations, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, by-law or regulation made thereunder or any other law or under any contract including a contract in respect of water-supply or drainage made in accordance with this Act, and the rules, by-laws and regulations 2[are due by any person to the Corporation] shall, if there is no special provision in this Act for their recovery, be demanded by bill containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided by rules 21 and 28 of the rules contained in Part VI of Schedule IV unless within fifteen days from the date of service of the bill such person shall have applied to the Chief Judge of the Small Cause Court under section 388.]

3[388. Where in any case not provided for in section 395, any municipal authority or any person is required by or under this Act or any rule, by-law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums referred to in section 387 the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except

---

1 This section was substituted for original section 387 by section 198 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were inserted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).

3 This section was substituted for original section 388 by section 199 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
as is otherwise prescribed in section 171, 335, 379 or Central 413] or in the Land Acquisition Act, 1894, by the Act of Chief Judge of the Small Cause Court on application made to him for this purpose at any time within six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions, or other sums first became payable.]

389. (1) On any application under the provisions of section 388 the said chief judge shall summon the other party to appear before him.

(2) On the appearance of the parties or, in the absence of any of them, on proof of due service of the summons, the said chief judge may hear and determine the case.

(3) In every such case the said chief judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

3[390. If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums ascertained in the manner described in section 389 is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the Small Cause Court by distress and sale of the movable property of such party.]

3[390-A. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the Corporation under this...]

---

1 These words and figures were substituted for the words and figures "provided in sections 171, 336, 379 or 413" by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1958 (Tamil Nadu Act XXXVI of 1958).

2 This section was substituted for original section 390 by section 200 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 Section 390-A was inserted by section 201, *ibid.*
Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted or prosecution might first have been commenced, as the case may be, in respect of such sum.\]

\[390-B. If any property, movable or immovable, is sold under the provisions of this Act, and if there is a surplus after the sum due to the corporation and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within one year from the date of the sale be paid to him by the commissioner, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund and no suit shall lie for the recovery of any sum so credited.\]

Provisions regarding Municipal Prosecutions.

\[391. * * * * * * * * * *\]

392. \[Save as otherwise expressly provided in this Act, no court shall take cognizance of any offence against any of the provisions of this Act, or of any rule, by-law, regulation or order made under it, unless complaint is made within six months from the commission of the offence, by the police or the\]

1 Section 390-B was inserted by section 201 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 This section was omitted by section 202, ibid.
3 The figure and brackets "(1)" were omitted by section 203 (i), ibid.
4 These words were substituted for the words "No person shall be liable to be tried for any offence " by section 13 of the Madras City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
5 These words were substituted for the words "before a magistrate within six months after the commission of the offence" by section 203 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
commissioner or by a person authorized in this behalf by the council "[or the standing committee or any other committee] or the commissioner:]

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall for the purposes of this section be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

393. All offences against this Act, or against any rule, by-law, regulation or order made under it, whether committed within or without the city, shall be cognizable by a presidency magistrate having jurisdiction in the city; and such presidency magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund.[ . . . . .].

1 The words "or the committee constituted under this Act" were substituted for the words "or the standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "or the standing committee or any other committee" were again substituted for the words "or the committee constituted under this Act" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 These words were substituted for the word, figure and brackets "sub-section (1)" by section 203 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 Consequent on the coming into force on the 1st April 1974 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) the Presidency Magistrate is now designated as the Metropolitan Magistrate.

4 The words "to the credit of which any fine imposed by him will be payable" were omitted by the Adaptation Order of 1937.
394. (1) In case any fine, costs, tax or other sum of money imposed, assessed or recoverable by a magistrate under this Act or under any rule, by-law or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(2) Any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this Act, or any rule, by-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the Code of Criminal Procedure, 1898*, and the same shall except in the case of a fine on recovery be paid to the corporation to be applied for the purposes of this Act.

395. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, by-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the commissioner not later than three months from the date of conviction; and, in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

---

1 This word was inserted by section 204 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were substituted for the words "imposed or assessed" by ibid.
3 This sub-section was substituted for original sub-section (2) by section 204 (ii), ibid.
4 These words were inserted by the Adaptation Order of 1937.
396. Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, \[\ldots\] or other amount due under this Act.

397. (1) No suit for damages or compensation shall be instituted against the corporation or any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or in execution or intended execution of this Act or any rule, by-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender and the defendant shall be entitled to costs as from the date of tender.

\[\text{The word "toll" was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).}\]
(4) Where the defendant in any such suit is the commissioner, a municipal officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the standing committee, from the municipal fund.

398. The Commissioner may]

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act, the rules, by-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(b) compound any offence against this Act, the rules, by-laws or regulations which may by rules made by the State Government be declared compoundable;

(c) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;

(d) defend, or compromise any appeal against an assessment or tax;

---

1 The words “central committee” were substituted for the words “standing committee” by section 101 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 These words were substituted for the words “Subject to the provisions of section 69 the commissioner may” by section 205 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
(e) take, withdraw from or compromise proceedings under sections 388 and 395 for the recovery of expenses or compensation claimed to be due to the corporation;

(f) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(g) with the approval of the council, defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant in respect of anything done or omitted to be done by them, respectively in their official capacity;

(h) with the approval of the standing committee, compromise any claim, suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(i) with the approval of the standing committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the corporation or of the commissioner;

1 The words "central committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "standing committee" were again substituted for the words "central committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
(j) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the council [or the standing committee or any other committee] to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority, officer or servant.

**Protecting Clauses.**

399. No suit shall be maintainable against [the indemnity to State Government, municipal authorities, officers and agents] any municipal authority, officer, or servant, or any person acting under the direction of [the municipal authority, officer or servant, or of a magistrate, in respect of anything in good faith done under this Act or any rule, by-law, regulation or order made under it.

---

1 The words “or the committee constituted under this Act” were substituted for the words “or the standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “or the standing committee or any other committee” were again substituted for the words “or the committee constituted under this Act” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 These words were inserted by section 206 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for the word “Provincial” by the Adaptation Order of 1950.
400. (1) The commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the council with the previous sanction of the [State Government] or by [the State Government].

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

4[400-A. When the Mayor or Deputy Mayor, or any councillor, or the commissioner is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the [State Government].]

5[401. (1) No assessment or demand made and no charge imposed under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing or (c) in respect of the amount assessed, demanded or charged:

1 The words “or alderman” were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
2 The words “Provincial Government” were substituted for the words, “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
3 The words “the Provincial Government” were substituted for the words “the Secretary of State in Council” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
4 This section was inserted by section 208 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
5 This section was substituted for the original section 401 by section 209, ibid.
Provided that the provisions of this Act have, in substance and effect, been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that the provisions of this Act have, in substance and effect, been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto if the provisions of this Act, the rules and by-laws have, in substance and effect, been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.]

Police.

402. It shall be the duty of every police officer—

(a) to communicate without delay to the proper municipal office, any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, by-law or regulation made under it;

(b) to assist the commissioner or any municipal officer or servant, or any person to whom the commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the commissioner or in such municipal officer or servant or person under this Act or any such rule, by-law or regulation.
and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

403. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule, by-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

404. The (State Government) may empower any municipal officer or servant or any class of municipal officers or servants to exercise the powers of a police officer—

(a) for the purposes of this Act, or

(b) in respect of offences falling under section 53 or section 73 of the Madras City Police Act, 1888.]
405. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, 
1[ . . . . ] 2[fee or other sum due to the corporation] and every person employed by any such contractor or agent for the collection of such tax, 
1[ . . . . ] 2[fee or sum], shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

406. No person shall obstruct or molest 
1[the council, 
4(any standing committee), the Mayor or Deputy Mayor, 
any councillor 
4() , the commissioner, or any person employed by the corporation or] any person with whom the commissioner has entered into a contract on behalf of the corporation in the performance of 
6[their duty] or of anything which 
9[they are empowered] or required to do by virtue of, in consequence of this Act or of any rule, by-law, regulation or order made under it.

1 The word “toll” was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

2 These words were substituted for the words “... fee” by section 211 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were inserted by section 212 (i), ibid.

4 The words “any committee constituted under this Act” were substituted for the words “any standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961) ; and the words “any standing committee” were again substituted for the words “any committee constituted under this Act” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

5 The words “or alderman” were omitted by section 2 (2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

6 These words were substituted for the words “his duty” by section 212 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

7 These words were substituted for the words “he is empowered” by ibid.
407. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Act or by any rule, by-law, regulation or order made under it.

408. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the [council, °a standing committee or any other committee] or the commissioner.

409. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the corporation or river, estuary, canal, backwater or water-courses (not being private property), or in any way obstruct the same.

**Transitional and Transitory Provisions.**

410. All property and all interests of whatever kind owned by, vested in or held in trust by or for the corporation with all rights of whatever kind used, enjoyed or possessed by the corporation as constituted under the Madras City Municipal Act, 1904, as well as all liabilities legally subsisting against the said corporation shall pass to the corporation as constituted under this Act.

411. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the corporation at the time this Act comes into force may be recovered as though they had accrued under this Act.

---

1 These words were substituted for the word “corporation” by section 213 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “a committee constituted under this Act” were substituted for the words “a standing Committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “a standing committee or any other committee” were substituted for the words “a committee constituted under this Act” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

1412. *

1413. (1) When a dispute exists between the corporation and one, or more than one, other local authority in regard to any matters arising under the provisions of this or any other Act and the (State Government) are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the (State Government) may take cognizance of the dispute, and

(a) decide it themselves, or

(b) refer it for enquiry and report to an arbitrator or board of arbitrators, or to a joint committee constituted under section 27-A for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the (State Government) who shall decide the dispute in such manner as they deem fit.

(3) Any decision given, whether before or after this sub-section comes into force, under clause (a) of sub-section (1) or under sub-section (2) (may, at the instance of the local authorities concerned, be modified)

---

1 The original section 412 was omitted by section 93 of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Sections 413 and 414 were inserted by section 215 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

4 This sub-section was substituted for sub-section (3) by section 2 of the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941 (Madras Act VIII of 1941), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

5 These words were substituted for the words "may be modified" by the Second Schedule to the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).
from time to time by the 1(State) Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, 2(may at the instance of such local authorities, be cancelled) at any time by the 2(State) Government.

Any such decision or any modification therein or cancellation thereof shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any Court of Law.]

3[(4) The powers of the 1(State) Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exerciable with the concurrence of the Central Government.]
SCHEDULE I.

ENACTMENTS REPEALED.

(See section 2.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Short title</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1904</td>
<td>III</td>
<td>The Madras City Municipal Act, 1904</td>
<td>The whole.</td>
</tr>
<tr>
<td>1905</td>
<td>II</td>
<td>The Madras Port Trust Act, 1905</td>
<td>Section 34.</td>
</tr>
<tr>
<td>1907</td>
<td>IV</td>
<td>The Madras City Municipal Act (Amendment Act), 1907.</td>
<td>The whole.</td>
</tr>
<tr>
<td>1911</td>
<td>II</td>
<td>The Madras City Municipal Act (Amendment Act), 1911.</td>
<td>Do.</td>
</tr>
</tbody>
</table>

SCHEDULE II.

RULES REGARDING PROCEEDINGS OF THE COUNCIL AND COMMITTEES.

(See section 310.)

THE COUNCIL.

1. In these rules, 'member' means a councillor.

2. The council shall meet in the municipal office for the transaction of business at least once in every month upon such day and at such hour as it may arrange and also at other times as often as a meeting may be convened by the Mayor.

1 This expression was substituted for the expression "Acts of the Governor of Fort St. George in Council" by the Tamil Nadu Adaptation of Laws Order, 1970.

2 Rules 1 to 3 were substituted for original rules 1 and 2 by section 216 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This rule was substituted for rule 1 by section 27 (i) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
3. (1) No meeting shall be held unless at least six clear days before the day of the meeting—

(a) notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members, and

(b) notice of the day and hour of the meeting has been given by advertisement in the local newspapers.

(2) In cases of urgency, the Mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1). In such cases, notice of the day and hour of the meeting shall be published in such manner as the Mayor may deem most expedient.

1[3-A. (1) The agenda for the meeting of the council shall be prepared by the Mayor and the agenda for the
standing committee) shall be prepared by the commissioner in consultation with the chairman of the standing committee. On any subject included in the agenda for the meeting of the standing committee, its chairman shall have the right of recording his views in a note and such note shall be circulated to the members of the standing committee before or at the time of the consideration of such subject by the standing committee.

---

1 This rule was inserted by section 95 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
2 The bracketed figures “(1)” at the commencement of the rule was omitted by section 32 (1) (a) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
3 These words were substituted for the words “central committee” by section 32 (1) (b), ibid.
4 The following sub-rule (2) of rule 3-A was omitted by section 32 (1)(c), ibid.
"(2) The agenda for the meeting of the corporation accounts committee and of the circle committees shall be prepared by the commissioner or the assistant commissioner in consultation with the chairman of the committee concerned. The commissioner or the assistant commissioner may include in the agenda any subject which in his opinion should be considered by the corporation accounts committee or the circle committee. The chairman of the committee concerned shall have the right of recording their views in a note and such note shall be circulated to the members or placed before the committee before or at the time of the consideration of such subject by the committee.”]
1[4.] At 2[an ordinary meeting held in each of the months] of April, June, August, October, December and February, the 3[Mayor] shall place before the council a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

1[5.] 4[(1) The Mayor shall call a special meeting on receiving a request in writing signed by 5[such number of members as shall constitute not less than one-fifth of the sanctioned strength of the council] specifying the resolution which it is proposed to move.]

(2) No special meeting shall be held unless at least four clear days’ notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each 6[member] and by 7[advertisement] in the local newspapers.

1[6.] If the 8[offices of Mayor and Deputy Mayor are vacant], the duties assigned to the 9[Mayor] by 10[rules 2 to 5] shall be performed by the commissioner.

1[7.] 11[All meetings of the council shall be open to the public, provided that the Mayor, Deputy Mayor or presiding member may direct that the public generally or any particular person shall withdraw.]

1[8.] 12[All questions which may come before the council at any meeting shall be decided by a majority of the members present and

1 Original rules 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered to rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were substituted for the words “each of the general meetings held in the months” by section 216 (iii), ibid.
3 This word was substituted for the word “President,” by section 2 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
4 This sub-rule was substituted for original sub-rule (1) by section 216 (iv) (2) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
5 These words were substituted for the words “not less than twelve members” by section 27 (ii) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
6 This word was substituted for the word “councillor” by section 216 (iv) (b) of Madras Act X of 1936.
7 This word was substituted for the word “publication” by ibid.
8 These words were substituted for the words “office of Mayor is vacant” by section 216 (v), ibid.
9 These words and figures were substituted for the words and figures “rules 1 to 4 above” by section 216 (v), ibid.
10 Rules 7, 8, 9 and 10 were substituted for rules 7 and 8 as renumbered by section 216 (vi), ibid.

125—13—27
No business shall be transacted at any meeting unless there be present at least [50] members.

No resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by [such number of members as shall constitute not less than two-thirds of the sanctioned strength of the council.]

Minutes of the proceedings of the council shall be entered in a book to be called the minute book, and shall be signed by the [Mayor] [Deputy Mayor or presiding member] after each meeting.

The minute book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

The council may appoint from among its own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the council.

---

1 Rules 7, 8, 9 and 10 were substituted for rules 7 and 8 as renumbered by section 216 (vi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "thirty-three" were substituted for the word "twenty" by section 95 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the word "fifty" was again substituted for the words "thirty-three" by section 10 of the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 7 of 1973).

3 These words were substituted for the words "not less than thirty number" by section 27 (iii) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

4 Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of Madras Act X of 1936.

5 This word was substituted for the word "President" by section 2 of the Madras City Municipal (Amendment) Act, 1933 (Madras Act III of 1933).

6 These words were inserted by section 216 (vi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
persons who are not [members], but who may possess special qualifications in regard to the matter to be inquired into. Provided that the number of persons so appointed shall not exceed one-half of the number of [members] appointed to serve on the committee.  

[All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members shall, save as regards the disqualification on the ground of residence or of being a Government servant, be applicable, as far as may be, to such persons.]

(3) The proceedings of every such committee shall be recorded in writing and submitted to the council.

[13. The commissioner may grant copies of the proceedings and records of the council [and the standing committee] on payment of such fees as the council may by general or special order determine. Copies shall be certified by the commissioner as provided in section 76 of the Indian Evidence Act, 1872; and copies so certified may be used to prove the records of the council in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.]

---

1 This word was substituted for the word "councillors" by section 216 (viii) (a) of Madras Act X of 1936.

2 This sentence was added by section 216 (viii) (b), ibid.

3 This rule was inserted by section 216 (ix), ibid.

4 The words "the central committee, the circle committee and the corporation accounts committee" were substituted for the words "and the standing committees" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "and the standing committee" were again substituted for the words "the central committee, the circle committee and the corporation accounts committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
1 [The Standing Committee.]

1[2]14. Each standing committee shall meet at the municipal office at least once a month on such day and at such hour as the committee shall from time to time determine.

2 [2]15. The chairman of a standing committee may at any time call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the commissioner or by three members of the standing committee and stating the business to be transacted.

2[16.] No business shall be transacted at any meeting of a standing committee unless there is a quorum of three.

5 [2]17.] All questions which may come before a standing committee at any meeting shall be decided by the majority of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second or casting vote.

---

1 The following heading and rule were substituted for the heading and rule 14 by section 95 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961);

   "The Central Committee, the Corporation Accounts Committee and the Circle Committees.

14. (1) The central committee and the corporation accounts committee shall meet at the municipal office on such day and at such hour as the committee concerned may from time to time determine.

   (2) The circle committee shall meet at the municipal office or at the circle office on such day and at such hour as the committee may from time to time determine." The present heading and rule were again substituted by section 32 (2) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

a Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

b The words "the central committee, a circle committee or the corporation accounts committee" were substituted for the words "a standing committee" by section 101 of, and Schedule 1 to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words "a standing committee" were again substituted for the words "the central committee, a circle committee or the corporation accounts committee" by section 34 of, and Schedule 1 to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

c These words were substituted for the words "the committee" by section 34 of, and Schedule 1 to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

d These rules were substituted for rules 17 and 18 as re-numbered by section 216 (X) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
1 [18.] (1) All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting.

3 [ (2) The minutes book of each standing committee shall be placed before the council at such times as it may appoint.]

4 [19. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted, the commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the council, and pending the resolution of the council, the commissioner shall withhold all action in regard to the matter at issue.]

---

1 Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “the central committee, a circle committee or the corporation accounts committee” were substituted for the words “each standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “each standing committee” were again substituted for the words “the central committee, a circle committee or the corporation accounts committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 The following sub-rule (2) was substituted for sub-rule (2) of rule 18 by section 95 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

“(2) The minutes book of each circle committee shall be placed before the central committee and the minutes book of the central committee and of the corporation accounts committee shall be placed before the council at such times as the central committee or the council, as the case may be, may appoint.”

For the said sub-rule (2), the present sub-rule (2) was again substituted by section 32 (3) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

4 The words “two or more circle committees” were substituted for the words “two or more standing committees” in rule 19 by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words, brackets, figures and letter “as provided in sub-section (4) of section 5-B” were substituted for the words, brackets and figures “as provided in sub-section (1) of section 20” by section 95 (v), ibid. For rule 19 as so amended the present rule 19 was substituted by section 32 (4) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
1[20. Any member of a standing committee, other than the Mayor who fails to attend four consecutive meetings of the standing committee shall cease to be a member thereof, but may be re-elected by the council.]

2[SCHEDULE III. * * * ]

SCHEDULE IV.

TAXATION RULES.

(See section 138.)

8 [PART I.]

Provisions common to taxes in general.

1. (1) The commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, showing the persons and property liable to taxation under this Act.

---

1 The following rule was substituted for rule 20 by section 95(vi) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):—

"20. (1) Any member of the central committee or the corporation accounts committee other than the Mayor who fails to attend four consecutive meetings shall cease to be a member of the committee concerned.

(2) Any person who, under sub-rule (1) has ceased to be a member of the central committee may be restored to office by the central committee or re-elected by the circle committee concerned.

(3) Any person who, under sub-rule (1) has ceased to be a member of the corporation accounts committee may be restored to office by the corporation accounts committee or re-elected by the council."

For rule 20 as so substituted, the present rule 20 was again substituted by section 32(4) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

*Schedule III was omitted by the Adaptation Order of 1937.

* Parts I and I-A were substituted for the original Part I by section 217 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the corporation or his authorized agent and such person or agent shall be entitled to take extracts, free of charge from the said books and records.

(3) The account books of the corporation shall be open without charge to inspection by any person who pays any tax to the corporation or his authorized agent or a day or days in each month to be fixed by the council.

1-A. The commissioner shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable:

Provided that in the case of tax payable by the commissioner the original assessment shall be made by the Mayor.

1-B. (1) The commissioner shall give to every person making payment of a tax a receipt therefore signed by him or some person duly authorized by him in that behalf.

(2) Such receipt shall specify—

(a) the date of the grant thereof;

(b) the name of the person to whom it is granted;

(c) the tax in respect of which payment has been made and in the case of property tax, also the property in respect of which payment has been made;

(d) the period for which payment has been made; and

(e) the amount paid.
Assessment of the property tax.

1-C. The commissioner shall enter in the assessment books the annual value of all lands and buildings and the tax payable thereon. Such books shall also record the following particulars with regard to each assessable item:

(i) The serial number, description and name (if any) of the item;

(ii) the name of the division and of the street, if any, in which it is situated and any survey or other number which it bears;

(iii) the name of the owner;

(iv) the name of the occupier;

(v) the annual value or the extent as the case may be; and

(vi) the amount of the tax payable.

1-D. [A general revision of the assessment books shall be made by the commissioner once in every five years; and for this purpose the commissioner may, with the approval of the council, arrange the territorial divisions of the city in such groups as may be considered necessary and revise the assessment books relating to each such group by rotation once in every five years:]

---

1 Parts I and I-A were substituted for the original Part I by section 217 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This paragraph was substituted for the first paragraph by rule 1 in Local Administration Department Notification No. 387, dated the 13th September 1945, published at page 245 of Part I-A of the Fort St. George Gazette, dated the 16th October 1945, re-enacted permanently by Local Administration Department Notification in the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

1[Provided that the 2[State] Government may, for special reasons, direct that the general revision of assessment books which is due to be made in any year shall be postponed for such period as they think fit and that such postponement shall not affect subsequent general revisions.]

1-E. An assessment once made shall continue in force until it is revised and until the revised assessment takes effect.

2. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed the commissioner shall give public notice—

(a) specifying the time when and the place where the books may be inspected; and

(b) stating that revision petitions will be considered if they reach the municipal office within thirty days from the date of such notice in the case of the Government, a railway administration or a company and fifteen days from the said date in other cases:

3 [Provided that in every case where there is an enhancement in the assessment the commissioner shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

Provided further that in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of thirty days and fifteen days referred to in clause (b) shall be calculated from the date of service of such special notice.]

1 This proviso was added with effect on and from the 1st April 1942 by Local Administration Department Notification No. 822, dated the 3rd November 1942, published at page 828 of Part I-A of the Fort St. George Gazette, dated the 17th November 1942. This was re-enacted permanently by Local Administration Department Notification dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

2 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

3 These provisos were added by rule 1 in Local Administration Department Notification No. 1379, dated the 20th December 1938, published at page 843 of Part I-A of the Fort St. George Gazette, dated the 20th December 1938.
3. The commissioner may, after giving notice to the parties concerned and hearing their objections, if any, amend the property tax assessment books at any time between one general revision and another by inserting therein or removing therefrom any property, or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made:

Provided that ['except in a case of revision which is necessitated by reconstruction of, or improvements or additions to, buildings or by clerical or arithmetical error] when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.

3-A. In every case in which between one general revision and another the commissioner assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the commissioner shall intimation by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the municipal office within thirty days from the date of service of such notice in the case of Government, a railway administration or a company and within fifteen days from the said date in other cases.

4. Any person may, at any time [not being less than thirty or more than sixty days] before the end of a half-year move the commissioner by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual value of the property in respect of which the tax is imposed has decreased since the assessment of the property was last made or revised.

---

2 These words were inserted by Local Administration Department Notification No. 329, dated the 11th May 1947, published at page 351 of Part I-A of the Fort St. George Gazette, dated the 19th May 1947, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

3 These words were substituted for the words "not being less than thirty days" by rule (1) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 92 of Part I-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.
1[4-A. The preferring or pendency of an application for the revision of the assessment of any tax under rule 2, 3-A or 4 shall not—
(a) bar the collection thereof, or
(b) operate as a stay of proceedings to enforce payment of the same.]

2[4-B. Notwithstanding anything contained in rule 2, 3-A or 4, the commissioner may for special reasons to be recorded in writing consider petitions received after the periods specified in the said rules and dispose of such petitions on their merits.]

5. No petition under rule 2, 3-A or 4 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorized agent and to represent his case.

6. Immediately after the disposal of a revision petition, the commissioner shall inform the petitioner or his authorized agent in writing of the orders passed thereon 3[... ] and shall, if necessary, cause the assessment books to be corrected.

6-A. (1) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 2 is published 4[or, in a case where a special notice is required to be served on the owner or occupier of the property under the first proviso to that rule, on the first day of the half-year following that in which such special notice is served on the owner or occupier of the property].

1 This rule was inserted by rule (2) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part 1-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.

2 This rule was substituted for the rule 4-B by section 96(i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 46 of 1961).

3 The words “shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due” were omitted by rule (3) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part 1-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.

4 These words were added by rule 2 in Local Administration Department Notification No. 1379, dated the 20th December 1938, published at page 843 of Part 1-A of the Fort St. George Gazette, dated the 20th December 1938.
(2) Any correction in the assessment books made by the commissioner under rule 6 or rule 18-A shall be deemed to have effect on the first day of the half-year to which the assessment which was sought to be revised or which was appealed against relates.

Explanation.—The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule and shall have effect from the day fixed for the levy or enhancement.

6-B. The first payment of tax shall be made within thirty days of the day specified in rule 6-A.

PART II.
Assessment of Companies.

(See section 110.)

Companies shall be assessed by the commissioner on the following scale:

<table>
<thead>
<tr>
<th>Paid up capital</th>
<th>Half-yearly Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lakhs of rupees</td>
<td>Rs.</td>
</tr>
<tr>
<td>A. Less than one</td>
<td>30</td>
</tr>
<tr>
<td>B. One and more than one, but less than two</td>
<td>50</td>
</tr>
<tr>
<td>C. Two and more than two, but less than three.</td>
<td>100</td>
</tr>
<tr>
<td>D. Three and more than three, but less than five.</td>
<td>150</td>
</tr>
<tr>
<td>E. Five and more than five, but less than ten</td>
<td>250</td>
</tr>
<tr>
<td>F. Ten and more than ten, but less than twenty</td>
<td>500</td>
</tr>
<tr>
<td>G. Twenty and more than twenty</td>
<td>1,000</td>
</tr>
</tbody>
</table>

The words and figure "save as provided in rule 6" were omitted by rule (4) in Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by the Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

This rule was substituted for original rule 7 by section 218 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
Provided that any company, the head or a principal office of which is not in the city and which shows that its gross income received in or from the city in the year immediately preceding the year of taxation—

(a) has not exceeded Rs. 5,000. shall pay only 25 rupees per half-year;

(b) has exceeded Rupees 5,000 but has not exceeded Rupees 10,000. shall pay only 50 rupees per half-year;

(c) has exceeded Rupees 10,000 but has not exceeded Rs. 20,000. shall pay only 100 rupees per half-year; and

(d) has exceeded Rupees 20,000. shall pay per half-year 100 rupees together with a sum calculated at the rate of 25 rupees per half-year for every 5,000 rupees or part thereof, of gross income in excess of Rs.20,000 subject to a maximum half-yearly tax of 1,000 rupees.

Provided further that when a company the head or a principal office of which is not in the city becomes liable to tax for the first time, it shall pay in the first year a tax of 25 rupees; but if the gross income of the company during such year is subsequently found to have exceeded 5,000 rupees, it shall pay the tax calculated in accordance with the abovementioned scale less the initial payment of 25 rupees.]
Assessment for Profession Tax.

(See section 111.)

1. Persons shall be assessed by the commissioner to the profession tax under the following classes on a scale to be determined by the council from time to time:

Provided that such scale shall be subject to the maximum specified against each class:

Provided also that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class:—

<table>
<thead>
<tr>
<th>Class</th>
<th>Half-yearly income</th>
<th>Maximum half-yearly tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>More than Rs. 15,000</td>
<td>125 00</td>
</tr>
<tr>
<td>II</td>
<td>Rs. 12,000 but not more than Rs. 15,000</td>
<td>100 00</td>
</tr>
<tr>
<td>III</td>
<td>Rs. 9,000</td>
<td>75 00</td>
</tr>
<tr>
<td>IV</td>
<td>Rs. 6,000</td>
<td>50 00</td>
</tr>
<tr>
<td>V</td>
<td>Rs. 4,800</td>
<td>37 50</td>
</tr>
<tr>
<td>VI</td>
<td>Rs. 3,000</td>
<td>18 00</td>
</tr>
<tr>
<td>VII</td>
<td>Rs. 1,800</td>
<td>9 00</td>
</tr>
</tbody>
</table>

1 This rule was substituted by Local Administration Department Notification, dated the 10th April 1950, published at page 51 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 18th April 1950, for rule 8, as substituted by rule 1 in Local Administration Department Notification No. 523, dated the 20th July 1942, published at page 566 of Part-I-A of the Fort St. George Gazette, dated the 28th July 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

2 These entries were substituted for the entries under the column headed "Maximum half-yearly tax" by section 96 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 Classes VIII and IX and the entries relating thereto were omitted in G.O.Ms. No. 2126, Rural Development and Local Administration, dated the 17th September 1971 and published in the Tamil Nadu Government Gazette on the same date.
1 If, in the opinion of the commissioner, profession tax is or will be due for any half-year from any person other than a person in respect of whom the commissioner obtains to his satisfaction particulars of income under section 115, he shall serve a notice on such person either in that half-year or in the succeeding half-year requiring him to furnish within such period, not being less than thirty days as may be specified in the notice, a return showing the income on the basis of which, according to such person, he is liable to be assessed to profession-tax for the half-year in question. Thereupon it shall be open to such person to submit a return showing the income derived by him during the half-year for which profession-tax is claimed or during the previous half-year and produce any evidence on which the person may rely in support of the return made.

(2) If a return as required under sub-rule (1) or a list with the statement as required by section 115 is furnished and the commissioner is satisfied that it is correct and complete, he shall levy the profession-tax from the person liable to be assessed on the basis of such return or statement.

Explanation.—If a person produces the notice of demand of income-tax served on him under section 29 of the *Indian Income-tax Act, 1922, for the year comprising the half-year in question, the commissioner shall be bound to take one-half of the income mentioned in such notice of demand as income derived from the sources on which profession tax is leviable under this Act, as the income on the said sources for the purposes of levying profession-tax.

(3) If no return as required under sub-rule (1) is furnished, or if the commissioner is satisfied that any return furnished is incorrect or incomplete, he shall assign to the person the class in the scale appropriate to the half-yearly income of such person as estimated by him.

(4) The commissioner may, when classifying any person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size

---

1 This rule was substituted for rule 9 by Local Administration Department Notification No. 1, dated the 11th December 1942, published at page 2 of Part I-A of the Fort St. George Gazette, dated the 6th January 1943. This rule should be deemed to have been made and to have come into force on and from the 1st April 1942. This was re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income-tax paid to Government.

(5) The commissioner shall not be entitled to call for the accounts of any person.]

PART III.

Tax on Carriages and Animals.
(See section 116.)

1 [10. 2 [(1) The tax on carriages and animals shall be levied at rates not exceeding the following:—

<table>
<thead>
<tr>
<th>Description of carriage or animal</th>
<th>Maximum half-yearly tax.</th>
</tr>
</thead>
<tbody>
<tr>
<td>For every tram car</td>
<td>Rs. 300</td>
</tr>
<tr>
<td>For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals</td>
<td>20</td>
</tr>
<tr>
<td>For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals</td>
<td>10</td>
</tr>
<tr>
<td>For every bicycle or tricycle</td>
<td>3</td>
</tr>
<tr>
<td>Do. perambulator</td>
<td>5</td>
</tr>
<tr>
<td>Do. rickshaw</td>
<td>10</td>
</tr>
<tr>
<td>Do. hand-cart with springs or other appliances acting as springs</td>
<td>10</td>
</tr>
<tr>
<td>Do. elephant</td>
<td>15</td>
</tr>
<tr>
<td>Do. camel</td>
<td>10</td>
</tr>
<tr>
<td>Do. horse or mule not under 12 hands</td>
<td>10</td>
</tr>
<tr>
<td>Do. bullock or bull</td>
<td>4</td>
</tr>
<tr>
<td>Do. horse or mule under 12 hands</td>
<td>5</td>
</tr>
<tr>
<td>Do. male buffalo</td>
<td>4</td>
</tr>
<tr>
<td>Do. pig</td>
<td>4</td>
</tr>
<tr>
<td>Do. goat</td>
<td>4</td>
</tr>
<tr>
<td>Do. ass</td>
<td>4</td>
</tr>
<tr>
<td>Do. dog</td>
<td>2</td>
</tr>
</tbody>
</table>

1 This rule was substituted for original rule 10 by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

2 This sub-rule was substituted for sub-rule (1) by Local Administration Department Notification No. 125, dated the 1st April 1946, published at page 94 of Part 1-A of the Fort St. George Gazette, dated the 2nd April 1946, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 68 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.

₃ These figures were substituted for the figures “100” by section 2 of the Madras City Municipal (Amendment) Act, 1960 (Madras Act XXI of 1950).
(2) If within the half-year a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half-year.]

1[PART IV ★ ★ ★ .]

1[11. ★ ★ ★ ★ ★ ★ ★ ★ ★]

PART V.

Revision of Assessment.

(See section 138.)

12. Any assessee who is dissatisfied with the assessment of any tax under this Act other than 2 [the property tax] the transfer duty and the tax on timber may make an application in writing to the commissioner for the revision of such assessment stating the grounds of his objection thereto.

3 [13. No application for revision under rule 12 shall be admitted—

(a) unless the application has reached the municipal office in the case of the companies’ and profession taxes, within fifteen days from the date of service of the notice prescribed by section 113,]

1 Rule 11 and the headings thereto were omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
2 These words were inserted by section 222 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
3 Rules 13, 13-A and 14 were substituted for original rules 13 and 14 by section 23 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
and in the case of any other tax within seven days from the
date of demand provided that the commissioner may, if he thinks
fit, extend the period within which notice of objection should
be delivered to a period not exceeding one month; and

(b) unless the tax based on the assessment prevailing in
the year previous to the year in question was paid before making
the application.

Explanation.—The preferring or pendency of an application
or the revision of the assessment of any tax shall not—
(a) bar the collection thereof, or
(b) operate as a stay of proceedings to enforce payment
of the same.

1[13-A. (1) All such applications and all petitions under
rule 2, 3-A or 4 shall be entered in a register to be maintained
for the purpose; and on receipt of any application or petition,
notice shall be given to the applicant or petitioner of a time
and place at which his application or petition will be considered.

(2) At the said time and place the commissioner shall hear
the objection in the presence of the objector or his agent if he
appears or may for reasonable cause adjourn the investigation.

(3) When the objection has been determined, the order
passed shall be recorded in the said register together with the
date of such order and communicated to the objector or his
agent by registered post.]

1[14. Where an objector is dissatisfied with the order passed
by the commissioner under sub-rule (3) of rule 13-A, he may
2[within fifteen days from the date on which such order
was received by him] appeal against it to a committee called the
Taxation Appeals Committee and consisting of three members,
two of whom shall be members of the council elected by it and the
3[third shall be a person appointed by the "State Government"
(State Government)

1 Rules 13, 13-A and 14 were substituted for original rules 13 and 14 by section
223 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were substituted for the words "within thirty days from the date
on which such order was sent by post" by section 96 (iii) (a) of the Madras City
3 The words "Provincial Government" were substituted for the words "Local
Government" by the Adaptation Order of 1937 and the word "State" was substi-
tuted for "Provincial" by the Adaptation Order of 1950.
either without remuneration or on such remuneration as may be fixed by them and subject to such other conditions as may be prescribed by them. The person so appointed by the Government shall be the chairman of the committee.

1 [The Taxation Appeals Committee shall have all the powers of 2 [the standing committee] under sub-section (1) of section 26, and the provisions of sub-section (2) of that section shall apply to requisition made by the Taxation Appeals Committee as if it were 2 [the standing committee].]

3 [No business shall be transacted at any meeting of the Taxation Appeals Committee unless the Chairman and at least one other member of the Committee are present. If the Chairman and one other member present are divided in opinion as to the decision to be given on any appeal, the appeal shall be decided at a meeting of the Committee attended by all the three members. All appeals coming up before the Committee at a meeting when all the three members are present, shall be decided according to the opinion of the majority of the members. In the event of disagreement among all the three members, the Chairman shall endeavour to bring about agreement among themselves or between any two of them over a specific proposal, failing which the opinion of the Chairman shall prevail.]

15. (a) An appeal shall lie to the small cause court against any decision of the 4[Taxation Appeals Committee constituted under rule 14] 5[ . . . . . . ] but no such appeal shall be heard by the said court, unless—

---

1 This paragraph was substituted for the second paragraph in rule 14 by section 96(iii)(b) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 55 of 1961).

2 These words were substituted for the words “the central committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

3 This paragraph was added by the rule issued in G.O. Ms. No. 1620, Local Administration, dated the 7th August 1932, published at page 179 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 20th August 1932.

4 These words and figures were substituted for the words “standing committee” by section 224 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

5 The words and figures “under rule 14” which occurred for the second time were omitted by the Second Schedule to the Madras Repealing and Amending Act, 1938 (Madras Act XIII of 1938).
(i) a notice of intention to appeal has been given to the commissioner within ten days \(^1\) [from the date on which such decision was communicated by registered post], and

(ii) the petition of appeal has been presented within fourteen days \(^1\) [from the date on which such decision was communicated by registered post] \(^2\) [and the tax has been paid within the said period.

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of clause (ii) as to payment of the tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.

(b) The court may for sufficient cause excuse delay in the presentation of an appeal.

(c) The notice of intention to appeal shall state the name, occupation and residence of the appellant or of his attorney or vakil (if any) and the grounds of appeal.

(d) The appellant shall not, except with the leave of the court, urge or be heard in support of any ground of objection which has not been set forth in his notice of intention to appeal.

\(^{1}\) These words were substituted for the words “from the date of the decision” by Local Administration Department Notification No. 662, dated the 14th August 1942, published at page 706 of Part I-A of the Fort St. George Gazette, dated the 22nd September 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

\(^{2}\) This was added by section 3 of Madras Act IV of 1921.

16. The court may direct who shall bear the costs of an appeal under the above rule.

17. The small cause court may, if it thinks fit, state a case on any appeal for the decision of the High Court and shall do so whenever a question of law is involved if either the commissioner

\(^{3}\) This sub-rule was added by section 224 (ii) of the Madras City Municipal Amendment Act, 1936 (Madras Act X of 1936).

\(^{4}\) See now the Limitation Act, 1963 (Central Act 36 of 1963).
or the appellant applies in writing in that behalf within fifteen days from the decision of the small cause court and deposits such sum as the small cause court thinks necessary to defray the cost of the reference.

18. (a) The High Court may pass such order as it thinks fit on a reference under rule 17.

(b) Upon production of a copy of the order passed under clause (a) the small cause court shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the cost of the appeal and reference.

18-A. The assessment books maintained by the commissioner shall be corrected in accordance with the decision of the Taxation Appeals Committee or where there is an appeal to the small cause court, in accordance with its judgment under rule 15 or sub-rule (b) of rule 18, as the case may be, and in the event of the amount of any tax being reduced or remitted by the said committee or court, the commissioner shall grant a refund accordingly.

19. The assessment or demand of any tax when no application or appeal is made as hereinbefore provided and when such an application or appeal is made, the orders passed by the commissioner, the decision of the Taxation Appeals Committee or the adjudication by the small cause court on the appeal, as the case may be, shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books, nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance therewith.

19-A. (1) Notwithstanding anything contained in rules 15 to 19, the High Court may, at any time, on the application by the assessee or the corporation, call for and examine the records

---

1 Rules 18-A and 19 were substituted for sub-rule (c) of rule 18 and original rule 19 by section 22: of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This rule was inserted by section 96 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
relating to any order passed by the Small Cause Court in appeal under rule 15 for the purpose of satisfying itself as to the legality, regularity or propriety of such order and may pass such order in reference thereto as it thinks fit.

(2) The costs of and incident to all proceedings before the High Court under sub-rule (1) shall be in its discretion.

PART VI.

Collection of Taxes.

(See section 138.)

1 [20. (1) Where any tax, not being a tax in respect of which a notice has to be served under section 113 or section 120-A, 2 [. . . . .] is due from any person the commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce the provisions of rule 21.

(2) A notice under section 113 or section 129-A and a bill under sub-rule (1) shall be signed by the commissioner and shall contain—

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged and other particulars of the demand, and

(b) notice of the liability which may be incurred in default of payment.

*Rules 20 and 21 were substituted for original rules 20, 21 and 22 by section 226 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).*

*The words and figure "or a direction has to be given under rule 6" were omitted by rule (5) (i) in Local Administration Department Notification No. 1204, dated the 27th November 1942, published at page 912 of Part I-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.*
(3) Where a notice (or bill) referred to in sub-rule (1) has not been served or given either in the half-year in which the tax became due or in the succeeding half-year, the tax for the half-year first mentioned in this sub-rule shall not be demanded.

2 [21. (1')] If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill referred to in section 113 or section 120-A or rule 20 and if the person from whom the tax is due has not shown cause to the satisfaction of the commissioner why it should not be paid, the commissioner may recover by distraint under his warrant and sale of the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land, the amount due on account of the tax together with the warrant fee and distraint fee and with such further sums as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained:

Provided always that movable property described in the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

5 [Explanation.—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss to contend that notwithstanding his

These words were substituted for the words “bill or direction” by rule 5 (1) in Local Administration Department Notification No. 1204, published at page 912 of Part I-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 68 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

The words “or the giving of the direction” were omitted by rule (6) in Local Administration Department Notification No. 1204, published at page 912 of Part I-A of the Fort St. George Gazette, dated the 9th December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 68 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

The words and figure “or rule 6” were omitted by rule (6), ibid.

This Explanation was inserted by Local Administration Department Notification No. 626, published at page 382 of Part I-A of the Fort St. George Gazette, dated the 23rd November 1943, re-enacted permanently by Local Administration Department Notification in the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.
negligence or misconduct, the deficiency or loss would not have occurred but for the negligence or misconduct of some other person].

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter’s property is impracticable the commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty or other amount due to it under this Act.

23. Under a special order in writing of the commissioner any officer charged with the execution of a warrant of distress may between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours’ notice of his intention and has given such women an opportunity to withdraw.

24. The officer charged with the execution of a warrant, shall, before making the distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made but if the tax or fee is not paid, the officer shall—

(a) seize such movable property of the defaulter as he may think necessary;

(b) make an inventory of the property seized; and

(c) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

Rules 20 and 21 were substituted for original rules 20, 21 and 22 by section 226 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936). Rule was substituted for original rule 24 by section 227, ibid.
25. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible \(^1\) [equal in value to the tax] due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

\(^2\) [26. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 24 and if the distraint warrant is not suspended by the commissioner, the property seized or a sufficient portion thereof, shall be sold by public auction under the orders of the commissioner who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid if application is made by such person within twelve months from the date of the sale. If no such application is made, the property or sum so remaining shall be forfeited to the corporation. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the commissioner may again proceed under rules 21 and 23 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it will, together with the amount of tax due, exceed the value of the property, the commissioner may sell it at any time before the expiry of the said period of seven days unless the amount due is sooner paid.

(3) The commissioner shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the commissioner decides that the property attached

---

\(^1\) These words were substituted for the words “proportionate in value to the sum” by section 228 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^2\) Rules 26 and 27 were substituted for original rules 26 and 27 by section 229, ibid.
was not liable to distress, he shall return it, or if it has already been sold, the proceeds of the sale to the person appearing to be entitled thereto and may again proceed under rules 21 and 23; and all fees and expenses connected with the first distress and sale shall be recoverable from the defaulter if it shall appear to the commissioner that he wilfully permitted the distress of the property when to his knowledge it was not liable to distress.\[1\]

1\[27\]. (a) Fees shall be levied on distresses under this Act with reference to the amount due for which the distress is made and according to the rates specified in the following table:—

<table>
<thead>
<tr>
<th>Sum distrained for</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under one rupee</td>
<td>0 25</td>
</tr>
<tr>
<td>One rupee and over</td>
<td>0 50</td>
</tr>
<tr>
<td>but under five rupees</td>
<td>1 00</td>
</tr>
<tr>
<td>Five rupees and over</td>
<td>1 50</td>
</tr>
<tr>
<td>but under ten rupees</td>
<td>2 00</td>
</tr>
<tr>
<td>Ten rupees and over</td>
<td>2 50</td>
</tr>
<tr>
<td>but under fifteen rupees</td>
<td>3 00</td>
</tr>
<tr>
<td>Fifteen rupees and over</td>
<td>3 50</td>
</tr>
<tr>
<td>but under twenty rupees</td>
<td>4 00</td>
</tr>
<tr>
<td>Twenty rupees and over</td>
<td>4 50</td>
</tr>
<tr>
<td>but under twenty-five rupees</td>
<td>5 00</td>
</tr>
<tr>
<td>Twenty-five rupees and over</td>
<td>6 00</td>
</tr>
<tr>
<td>but under thirty rupees</td>
<td>7 50</td>
</tr>
<tr>
<td>Thirty rupees and over</td>
<td>9 00</td>
</tr>
<tr>
<td>but under thirty-five rupees</td>
<td>10 00</td>
</tr>
<tr>
<td>Thirty-five rupees and over</td>
<td>10 00</td>
</tr>
<tr>
<td>but under forty rupees</td>
<td></td>
</tr>
<tr>
<td>Forty rupees and over</td>
<td></td>
</tr>
<tr>
<td>but under forty-five rupees</td>
<td></td>
</tr>
<tr>
<td>Forty-five rupees and over</td>
<td></td>
</tr>
<tr>
<td>but under fifty rupees</td>
<td></td>
</tr>
<tr>
<td>Fifty rupees and over</td>
<td></td>
</tr>
<tr>
<td>but under sixty rupees</td>
<td></td>
</tr>
<tr>
<td>Sixty rupees and over</td>
<td></td>
</tr>
<tr>
<td>but under eighty rupees</td>
<td></td>
</tr>
<tr>
<td>Eighty rupees and over</td>
<td></td>
</tr>
<tr>
<td>but under one hundred rupees</td>
<td></td>
</tr>
<tr>
<td>One hundred rupees and over</td>
<td></td>
</tr>
</tbody>
</table>

(b) Such fees shall include all expenses except—

(i) the cost of maintaining any livestock or the expenses incidental to the detention of the distrained property; and

(ii) the charge payable on account of peons having or put in charge of the distrained property, namely, nineteen naye Paise daily for each peon.\[1\]

---

1 This rule was substituted for rule 27, as substituted by Madras Act X of 1936 by section 96(v) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
28. (a) The movable property of a defaulter may be distrained wherever it may be found within the 1[State of Tamil Nadu].

(b) If it is necessary to distrain property outside the limits of the city, the commissioner shall address his warrant to such public servant having local jurisdiction as the 2[State Government] may by general or special order direct.

(c) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.

(d) Subject to the modifications set out in the following clauses, the provisions of rules 23 to 27 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale-proceeds.

(e) For the purpose of action under rule 23 no special order in writing of the commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(f) For the purpose of action under rule 26 the public servant to whom the warrant is addressed may, without further orders from the commissioner, sell or direct the sale of the property seized and shall on completion of the sale transmit the proceeds to the commissioner, subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(g) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

*29. If the tax due on account of any building or land remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 21, the commissioner may if the said tax has not remained unpaid for more than twelve months require the occupier for the time being of such building or land to pay the amount

---

1 This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1960.

3 Rules 29, 29-A, 29-B and 29-C were substituted for the original rule 29 by section 230 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
within a specified period not being less than fifteen days and if the occupier fails to comply with such requisition the commissioner may distrain and sell any movable property found on the building or land and the provisions of the foregoing rules shall mutatis
mutandis apply to all distrains and sales effected under this rule:

Provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule unless he has wilfully prevented distraint or a sufficient distraint.

1[29-A. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 21 and if such person has left India or cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connexion therewith shall be recoverable as if it were an arrear of land revenue.]

1[29-B. (1) Every person who is prosecuted under sub-rule (2) of rule 21 shall be liable on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him to pay a fine not exceeding twice the amount which may be due by him on account of—

(a) the tax and the warrant fee, if any, and

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1) the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the corporation, the amounts, if any, due under the heads specified in clauses (a) and (b) of sub-rule (1), and may in his discretion also recover summarily and pay to the corporation such amount, if any, as he may fix as the costs of the prosecution.]

1[29-C. Neither the commissioner nor any municipal officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.]

1 Rules 29, 29-A, 29-B and 29-C were substituted for original rule 29 by section 230 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The word "British" was omitted by the Adaptation (Amendment) Order of 1960.
30. The commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with

(a) the water tax;
(b) the drainage tax; and
(c) the lighting tax.

31. In these rules the expression ‘tax’ includes payments due by way of composition for a tax.

SCHEDULE V.

FINANCIAL RULES.

(See section 141.)

PART I.

Authorized Expenditure.

1. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by laws or rules, and in general everything necessary for or conducive to the safety health, convenience or education of the citi-
zens of Madras or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special orders as the 1[State Government] may prescribe or issue; and shall be applicable thereto outside the city if the expenditure is authorized by this Act or specially sanctioned by the 1(State Government).

2. The objects of expenditure connected with the public safety include the following:—

(a) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings;

(b) Extinction of fires;

(c) Control, supervision or removal of dangerous places, buildings, trades and practices;

(d) Regulation of traffic;

(e) Prevention and removal of obstructions in streets or public places.

3. The objects of expenditure connected with the public health include the following:—

(a) The construction and maintenance of hospitals and dispensaries and temporary places of reception within or without the city for the treatment of infectious diseases occurring in the city; building hospitals and dispensaries and places of reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided by the 1[State Government]; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception; combining with any other local authority or with the 1[State Government] to provide a common hospital, dispensary or place of reception; sending indigent inhabitants of the city to institutions outside the city for treatment; the training of health officers, 2[medical practitioners], medical subordinates, sanitary inspectors and analysts; the training of 3[midwives and

---

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words were inserted by section 234 (i) (a) of the Madras City Municipal 1 (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were inserted by section 234 (i) (b), ibid.
nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; "[the provision of health visitors, midwives and dhais for attendance on maternity cases]; vaccination and the training and supervision of vaccinators and the provision of lymph; the registration of births, deaths and marriages; the enumeration of the inhabitants of the city; and other measures of a like nature;

(b) The construction, establishment, maintenance, supervision and control of public markets and slaughter-houses; "[of shops, stalls, and plinths]; of latrines; of drains and drainage works; of sewage farms "[and all works for the removal or disposal of sewage]; of tramways; "[......] of water-works, drinking fountains, tanks and wells; of wash-houses or "[Salavaithuraikal]; of parks, squares and gardens; the reclamation of unhealthy localities; and other sanitary measures of a like nature;

(c) The cleansing and watering of streets and drains; scavenging; the removal of excessive or noxious vegetation; the abatement of all nuisances;

(d) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria; "[improvement of burial and burning grounds and crematoria] and the provision of sites for and the closing of burial and burning grounds; the provision of new sites for offensive and dangerous trades and of special locations for factories; the acquisition of congested areas and the provision of new sites "[whether within or without municipal limits] to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the municipal limits, redistribution of sites in such extensions; and all measures of a like nature.

---

1 These words were inserted by section 234 (i) (c) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 These words were inserted by section 234 (ii) (a), ibid.
3 These words were inserted by section 234 (ii) (b), ibid.
4 The words "and other works for the removal of sewage" were omitted by section 234 (ii) (c), ibid.
5 This word was substituted for the word "Dhobikanas" by section 97 (i) (1) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
6 These words were inserted by section 234 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
1[(e) The acquisition, construction, maintenance, enlargement, improvement, alteration, repairs, management and letting of dwelling houses for the use of the working classes as well as the middle classes and of any buildings for the use or convenience of the inmates of such dwelling houses and the doing of any act or thing necessary or expedient to facilitate any such undertaking and the acquisition of land and buildings for any such purpose.

(f) The prevention of adulteration of food or food products, maintenance of laboratories for food and water analysis and maintenance of research laboratories.]

4. The objects of expenditure connected with the public convenience, amenities and education include—

(a) The construction, maintenance, diversion and improvements of streets, bridges, causeways, culverts and the like; the regulation of building; the construction of model dwellings, and the encouragement of co-operative building societies by loans, grants of land or prizes; the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the maintenance of public monuments;

(b) The construction, maintenance, alteration and adornment of public halls and theatres, the acquisition and maintenance of recreation grounds, playing-fields and promenades;

(c) Subject to all provisions of law the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other agricultural, industrial or trading concerns] of public utility, whether within or without the municipal limits, and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concern;

1 Clauses (e) and (f) in rule 3 were added by section 97 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were inserted by section 235 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 These words were substituted for the words "other industrial concerns" by section 235 (ii), ibid.
(d) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals and the prevention of cruelty to animals;

(e) The provision and maintenance of zoological and horticultural gardens;

(f) The provision and maintenance of public libraries and reading rooms, museums, art galleries, gymnasiums or any other institutions connected with the diffusion of mental or physical culture;

(jj) The construction of boat-houses and wharves;

(fff) The construction and maintenance of stadia for sports and recreation, club-houses, tourist-homes, model restaurants, cold storage rooms and underground safety cellars for film storage;

(g) The provision and maintenance of public baths, bathing places and swimming pools;

(h) The provision of music for the people;

(hh) The provision and maintenance of colonies for the corporation establishment;

(i) The provision and maintenance of public clocks and clock-towers or of a time gun;

(j) The construction and maintenance of school houses and mid-day meal centres in the city;

(k) Primary, secondary and high school education;

(l) Technical and industrial education;

---

1 Clauses (j) and (fff) were inserted by section 97 (ii) (1) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 These words were substituted for the words "public baths and bathing places" by section 97 (ii) (2), ibid.

3 This clause was inserted by section 97 (ii) (3), ibid.

4 These words were added by section 97 (ii) (4), ibid.

5 This clause was substituted for the clause (k) by section 97 (ii) (5), ibid.
(m) The training of teachers;

(n) The provision of standard weights, scales and measures, and of public weighing places;

(o) The holding of exhibitions or fairs;

(p) The provision and maintenance of rest-houses, choultries, alms houses, poor houses, [homes or settlements for beggars, work-houses, infirmaries and children’s homes] pounds and other works of public utility;

(q) The organization and maintenance of health associations [and the provision and organization of health propaganda work in slums and other areas];

(r) The organization and maintenance of [maternity and child welfare centres and] associations for the prevention of juvenile smoking and cruelty to children, [and training of health visitors];

(s) the provision and maintenance of rescue homes.]

5. The objects of expenditure incidental to the administration include—

(a) The provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(b) Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities, and pensions, and the cost of hire of vehicles for the commissioner and the municipal officers and servants; study leave allowances of professional officers.

1 These words were inserted by section 235 (iii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were added by section 235 (iv), ibid.

3 These words were inserted by section 236 (v) (a), ibid.

4 These words were added by section 235 (v) (b), ibid.

5 This clause was added by section 235 (vi), ibid.
and subordinates; sending municipal servants to any hospital or institute \[1\] [including the Pasteur Institute, Coonoor] for treatment; \[2\] [the purchase of provisions and other necessaries for sale to municipal subordinates.

*Explanation.*—‘Salary’ for the purpose of this rule shall include the privilege, if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time.]

(c) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the councils;

(d) Legal expenses;

\[3\] [(e) Election expenses];

(f) Auditors’ fees;

(g) The provision and maintenance of municipal workshops; \[4\] [and factories for the manufacture of electrically-driven vehicles, lorry stations and a fleet of motor vehicles for municipal purposes];

(h) Municipal surveys, the preparation of maps of the city and of proposed extensions;

(i) The preparation and maintenance of a record of rights in immovable property;

(j) The acquisition of land for all or any of the purposes of the Act.

\[1\] These words were inserted by section 236 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\[2\] This was added by section 4 (1) of Tamil Nadu Act VII of 1922. It shall be deemed to have been in force from the 1st October 1919—see section 1 (2), *ibid*.

\[3\] This clause was substituted for original clause (e) by section 236 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\[4\] These words were added by section 97 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
The following rules 6 and 7 in Schedule V, which were substituted for rule 6 by section 97 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961), were omitted by section 33 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971):—

6. Subject to such rules as may be prescribed as regards the detailed specification of services, works and institutions, it shall be the duty of the central committee to make such provision as it thinks fit for carrying out the requirements of the city in respect of the following matters, namely:—

A. Water-supply, drainage, sanitation and lighting—

(i) Water-supply.—All items of work connected with the construction, establishment, maintenance, supervision and control of water works and protected water-supply except items of work relating to routine repairs and routine maintenance.

Explanation.—In this rule and in rule 7, the expressions "routine repairs" and "routine maintenance" mean such items of work as may be specified by the State Government by order from time to time.

(ii) Drainage.—Construction of drains (open and underground) including connexion of house drains with public drains and the construction of sewage farms and all works for the removal or disposal of sewage.

(iii) Lighting.—Provision and maintenance of electric lights in all public streets.

B. Health protection—

(iv) Water analysis.

(v) Prevention of adulteration of food.

(vi) Control, supervision or removal of dangerous places, buildings, trades and practices.

(vii) Preventive and remedial measures connected with any epidemic or endemic diseases or with malaria.

(viii) Opening and maintenance of burial and burning grounds.

C. Medical relief—

(ix) Opening and maintenance of infectious diseases hospitals.

(x) Opening and maintenance of tuberculosis clinics.

D. Public amenities—

(xi) Maintenance of Peoples' Park and Zoological Gardens.

(xii) Provision and maintenance of public clocks and clock-towers or of a tim

(xiii) Construction and maintenance of poor-houses, orphanages, industrial houses and special houses for diseased beggars.

(xiv) Welfare of labour.

E. Remunerative enterprises—

(xv) Establishment and maintenance of workshops.

(xvi) Opening and maintenance of public markets and control of private markets.

(xvii) Control of fairs and festivals.

(xviii) Opening and maintenance of public landing places, halting places, bus and taxi stands and opening shelters in bus-stops.

(xix) Opening and maintenance of public slaughter-houses and control of private slaughter-houses.

(xx) Establishment and maintenance of lorry stations.

(xxi) Sports stadia including swimming pools specified as such by the central committee.

(xxii) Framing of schemes relating to fisheries.

(xxiii) Establishment and maintenance of cold storages.

F. Communications—

(xxiv) Construction, repair and maintenance of roads classified as "central roads", construction and reconstruction and maintenance of bridges on "central roads" and construction and reconstruction of bridges on "circle roads":

Provided that only bus routes shall be classified as "central roads", all other roads being classified as "circle roads".

(xxv) Maintenance of quarries in Pallavaram including the establishment employed in connection with those quarries.

(xxvi) Purchase and maintenance of steam and motor road rollers and lorries and the maintenance of a Central Asphalt Plant.

G. Education—

(xxvii) Opening and maintenance of secondary schools.

(xxviii) Provision of mid-day meals and clothing to poor children in schools.

H. Town-planning—

(xxix) All matters connected with town-planning in the city.

(XXX) Housing, including the clearance and improvement of slums.

(7) Subject to such rules as may be prescribed as regards the detailed specification of services, works and institutions, it shall be the duty of the circle committee to make such provision as it thinks fit in respect of the following matters in so far as they relate to the circle concerned :

A. Water-supply, drainage, sanitation and lighting—

(i) Water-supply.—All items of work relating to routine repairs to and routine maintenance of water-supply mains and connections.

(ii) Drainage.—Routine repairs to and maintenance of drains (open and underground) already constructed.
(iii) Sanitation and the maintenance, supervision and control of sewage farms.—
(a) Cleansing of streets, (b) removal of rubbish heaps, jungle growth and prickly-
pear, (c) filling in of disused wells, insanitary ponds, pools, ditches, pits, or hollows,
(d) provision of public conveniences and making arrangements to cleanse latrines
whether public or private and other improvements of the sanitary condition of the City.

(iv) Lighting.—Provision of oil lights where electric lights have not been
introduced in streets.

B. Health protection (including maternity and child welfare)—
(v) Establishment and maintenance of maternity and child welfare centres
and offering advice to mothers including Family Planning.

(vi) Registration of births and deaths.

(vii) Vaccination.

C. Medical relief—
(viii) Opening and maintenance of dispensaries.

(ix) Opening and maintenance of Public Health Centres.

D. Public amenities—
(x) Opening and maintenance of reading rooms.

(xi) Provision and maintenance of public baths or bathing places.

(xii) Establishment and maintenance of wireless receiving sets, play-grounds,
parks other than the Peoples' Park and Zoological Gardens and sports clubs and
centres of physical culture, not being sports stadia.

E. Remunerative enterprises—
(xiii) Opening and maintenance of cart-stands including rickshaw-stands
and public cattle sheds and the maintenance of shelters in bus-stops.

(xiv) Opening and maintenance of Salavaithuraiyakal and cattle yards.

F. Communications—
(xv) Construction, repair and maintenance of all "circle roads".

(xvi) Maintenance of bridges on "circle roads".

(xvii) Construction, reconstruction, repairs and maintenance of culverts in
circle roads.

(xviii) Maintenance of name boards of all streets and roads in the circle (i.e.
both 'circle roads' and 'central roads').

Explanation.—Nothing contained herein shall be deemed to affect the power
of the council under section 228 as regards the naming of new streets or changing
the names of streets.

(xix) Planting and preservation of trees on the sides of all public streets in the City.

G. Education—
(xx) Opening and maintenance and expansion or improvement of elementary
schools.

(xx i) Opening and maintenance of literacy centres in labour areas and centres
for imparting social education and nursery schools."
8. The commissioner may, with the sanction of the council, contribute towards the expenses of any public exhibition, ceremony or entertainment in the city.

9. The commissioner may, with the sanction of the council, defray the cost of the preparation and presentation of addresses to persons of distinction.

10. The commissioner may, with the sanction of the council and of the 1[State Government], contribute to any fund for the defence of the city 2[or India], to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of the diseased or infirm persons or the investigation of the causes of disease 3[or incur any other extraordinary charges].

PART II.

4[11. All moneys received by the corporation shall be lodged in the 5[State Bank of India] or with the sanction of the 1[State Government] in any other bank and shall be credited to an account entitled the 'Municipal Fund Account':

Provided that any such moneys may with the sanction of the 1[State Government]—

(i) be invested in any of the securities specified in section 20 of the Indian Trusts Act, 1882, or in any other security which may be approved by the 1[State Government]; or

(ii) be placed on a fixed deposit in the 5[State Bank of India] or in any other bank approved by the 1[State Government].

---

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the words "India or the Empire" by the Adaptation (Amendment) Order of 1950.

3 These words were added by section 4 (2) of Tamil Nadu Act VII of 1922 and shall be deemed to have been in force from the 1st October 1919—see section 1 (2), ibid.

4 This rule was substituted for original rule 11 by Notification No. 1639, Local Self-Government, dated the 16th November 1932, published at pages 1033—1034 of Part I-A of the Fort St. George Gazette, dated the 16th November 1932.

5 These words were substituted for the words "Imperial Bank of India" by section 97 (v) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
12. 1[(1)] All orders or cheques against the municipal fund shall be signed by the commissioner or in his absence by the revenue officer and the bank in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed.

1[(2)] If the council shall have given previous authority in writing, such bank may at once pay out of the municipal fund without such order or cheque any expense which the State Government have incurred on behalf of the corporation.

13. The payment of any sum out of the municipal fund may be made or authorized by the commissioner if such sum is covered by a budget-grant and a sufficient balance of such budget-grant is available.

14. The payment of any sum out of the municipal fund may be made or authorized by the commissioner in the absence of budget provision in the case of—

(a) refunds of taxes and other moneys authorized by law, rule, by-law or regulation;

(b) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(c) costs incurred by the commissioner in the exercise of his powers under section 11 of the Act;

(d) sums payable under section 43, sub-section (1), clause (c), and section 153, sub-section (2) of the Act;

(e) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(f) any sum which the commissioner is required by law, rule, by-law or regulation to pay by way of compensation or expenses;

1 Original rule 12 was renumbered as sub-rule (1) of rule 12 and new sub-rule (2) was added by section 238 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
Provided that the commissioner shall forthwith communicate the circumstances to the [standing committee] which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget-grant.

15. [PART III.

Audit, Surcharge and Disallowance.

16. The auditors appointed under section 140 shall maintain and keep a continuous audit of the municipal accounts.

17. (1) The commissioner shall submit all accounts to the auditors as required by them.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditors for scrutiny not later than the first day of July in the year succeeding that to which such accounts and registers relate.

18. The auditors may—

(a) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;

---

1 The words "corporation accounts committee" were substituted for the words "standing committee" by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 55 of 1961); and the words "standing committee" were again substituted for the words "corporation accounts committee" by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 This rule was omitted by the rule issued in G.O. Ms. No. 652, Local Administration, dated the 5th May 1954, at page 39 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 26th May 1954.
(b) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

19. The auditors shall—

(a) report to the [standing committee] any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts;

(b) furnish to the [standing committee] such information as the said committee may require concerning the progress of their audit;

(c) report to the [standing committee] any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons directly or indirectly responsible, for such loss or waste; and

(d) submit to the [standing committee] a final statement of the audit and a duplicate copy thereof to the [State Government] within a period of three months from the end of the financial year, or within such other period as the [State Government] may notify.

20. *[1(1) The commissioner shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and send a report of the same to the [standing committee] which shall forward the report to the council.]*

---

1 The words “corporation accounts committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 86 of 1961); and the words “standing committee” were again substituted for the words “corporation accounts committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

* Original rule 20 was renumbered as sub-rule (I) of rule 20 by section 239 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936) and for sub-rule (I) as so renumbered this sub-rule was substituted by Local Administration Department Notification No. 1411, dated the 7th November 1940, published at page 956 of Part I-A of the *Fort St. George Gazette*, dated the 17th December 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 68 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 27th April 1948.
(2) The council shall submit its remarks on the audit report, if any, to the (State Government) through the Examiner of Local Fund Accounts within six months after the receipt of the report by the corporation.

[20-A. Copies of all correspondence addressed to or by the standing committee] or its chairman—

(a) on all matters falling within the scope of rules 19 and 20; and

(b) on such other matters of importance as the commissioner may from time to time determine

shall be sent simultaneously to the commissioner by the auditors or by the chairman of the standing committee as the case may be.]

21. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making or (authorizing the making of) the illegal payment: and may charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

1 This sub-rule was added by section 239 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

3 This rule was inserted by Local Administration Department Notification No. 943, dated the 13th August 1940, published at page 598 of Part I-A of the Fort St. George Gazette, dated the 20th August 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27th April 1948.

4 The words “corporation accounts committee” were substituted for the words “standing committee” by section 101 of, and Schedule I to, the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “corporation accounts committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

5 These words were substituted for the word “authorizing” by section 240 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish \(^1\) [by registered post] a copy thereof to the person against whom it is made.

\(^2\) [(3) If the person to whom a copy of the auditor’s decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 22 and 23 shall be calculated from the date of such refusal.]

22. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either (a) apply to the Court of Small Causes of Madras, notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances; or (b) in lieu of such application appeal to the \(^3\) [State Government] who shall pass such orders as they think fit.

23. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the \(^3\) [State Government] against the decision; and such sum if not so paid, or such sum as the court or the \(^3\) [State Government] shall declare to be due, shall be recoverable on an application \(^4\) [made by the commissioner] to the court in the same way as an amount decreed by the court.

24. The corporation shall pay to the auditors out of the municipal fund such remuneration as the \(^7\) [State Government] may determine.

\(^1\) These words were inserted by section 210 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

\(^2\) This sub-rule was added by section 240 (iii), \textit{ibid.}

\(^3\) The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

\(^4\) These words were inserted by section 241 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
25. The council shall make regulations, subject to the approval of the [State Government] to provide for—

(a) the form in which the budget estimates, budget statements and returns of the corporation shall be kept; and

(b) the form in which the accounts of the corporation shall be kept.

2[SCHEDULE VI.]

PURPOSES FOR WHICH [PLACES] MAY NOT UNDER SECTION 287 BE USED WITHOUT A LICENCE.

(See section 287.)

Aerated waters—Manufacturing.

Ammunition—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

4 [Arrack—Manufacturing.]

Articles made of flour—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Ashes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dumping or sifting.

---

1 The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

2 This Schedule was substituted for the original Schedule VI by section 242 of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

3 This word was substituted for the word “PREMISES” by section 98 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 This entry was inserted by Public Health Department Notification, dated the 4th May 1948, published at page 64 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 18th May 1948.
1 [Beedies—(Beedi leaves) manufacturing, storing or selling.]

2 [Beer—brewing.]

Biscuits—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Blood—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Bones—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

3 [Bran—Selling wholesale or retail or storing for wholesale or retail trade.]

Bread—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Bricks—Manufacturing.

Camphor—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

Candles—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Carpets—Manufacturing.

4 [Cashewnuts—burning and extracting kernels from cashewnut.]

Catgut—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cement—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Charcoal—Dumping, sifting, selling or storing.

---

1 This entry was inserted by section 98 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This entry was inserted by Public Health Department Notification dated the 4th May 1948, published at page 64 of the Rules Supplement to Part I-A of the Fort St. George Gazette dated the 18th May 1948.

3 This entry was inserted by Public Health Department Notification No. 29 of 1949, dated the 5th April 1949, published in the Fort St. George Gazette, dated the 5th April 1949.

4 This entry was inserted by section 98 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
Chemical preparations—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Chillies—Grinding by machinery.

Chlorate mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Cinders—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Clothes (second-hand)—Storing, selling or hiring, second-hand clothes, blankets, mattresses, pillows or bedding.

Cloths—Dyeing.

Coal—Dumping, sifting, selling or storing.

Coconut fibre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Combustible material—Storing.

Comestibles—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Condiments—Manufacturing.

Confectionery—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

Cotton—Selling wholesale or retail, storing for wholesale or retail trade or for conversion into yarn, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

---

1 This entry was substituted for the entry relating to “chillies (dried)” by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944.

2 This entry was inserted by section 98 (iv) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3 These entries were substituted by Public Health Department Notification No. 401, dated the 29th September 1944, published at page 239 of Part I-A of the Fort St. George Gazette, dated the 3rd October 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1948, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949, for the entry relating to “cotton, cotton refuse, cotton seed” as amended by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944, re-enacted permanently by Public Health Department Notification, dated the 28th March 1949, referred to above.
Cotton refuse, cotton seed—Selling wholesale or retail, storing for wholesale or retail trade, packing, pressing, cleansing, preparing or manufacturing by any process whatever.] Cowdung cakes—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Dyes—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Explosive—Storing.

Fibre—Selling or storing.

Fat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fins—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Firewood—Selling or storing.

Fireworks—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fish oil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flax—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fleshings—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Flour—[Selling wholesale or retail, storing for wholesale or retail trade], packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Fuel—Using for any industrial purpose.

---

1 These words were inserted by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.
Fulminate of mercury—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Garlic—Storing or packing.

Gas—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ghee—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

1 [Glass—Industry.]

Gold—Refining.

2 [Grain—Selling wholesale or retail, or storing for wholesale or retail trade.]

Gram—Husking by machinery.

Grass—Selling or storing.

3 [Gravel or metal—Digging.]

4 [Groundnut—Selling wholesale or retail, or storing for wholesale or retail trade.]

Gun cotton—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Gunny-bag—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

---

1 This entry was inserted by section 98 (v) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This entry was substituted for the entry relating to "grain" by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.

3 This entry was inserted by section 98 (vi) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 This entry was substituted for the entry relating to "groundnut" by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.
Gunpowder—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hair—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Hay—Selling or storing.

Hemp—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hides—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Hoofs—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Horns—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Ice—Storing, packing or selling.

Jaggery—Selling wholesale or retail, storing for wholesale or retail trade, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Jute—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Kathi—Preparing.

Lac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lead—Melting.

1 These entries were substituted for the entry relating to "Ice" by section 98 (vii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 This entry was substituted for the entry relating to "Jaggery" by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.
Leather—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Lime—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Limeshells—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Manure—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

1 [Machinery—Other than such machinery as may, by notification, be exempted by the State Government from time to time—using for any industrial or agricultural purpose.]

Matches—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Meat—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

2 [Metals—Beating, breaking, digging, hammering, casting, etc.

Mineral oil—Storing and selling (wholesale or retail).]

Nitro-compound—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-glycerine—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Nitro-mixture—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Offal—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Oil—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.

---

1 This entry was substituted for the entry relating to "Machinery" by section 98 (viii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu, Act 56 of 1961.)

2 These entries were substituted for the entry relating to "Metals" by section 98 (ix), ibid.
1 [Cakes—Selling wholesale or retail or storing for wholesale or retail trade.]

Oil-cloth—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Onions—Storing or packing.

Paddy—Boiling or husking by machinery.

Paper—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

2 [Petroleum products—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.]

Provided that no licence under this Act shall be required for storing petroleum and its products in quantities exceeding those to which the operation of this Act is limited by the provisions of the Petroleum Act, 1934, or the rules or notifications issued thereunder.

Pitch—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Pottery—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

*Pulses and agricultural products which is likely to attract rats—Selling wholesale or retail or storing for wholesale or retail trade.*

Rag—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Resin (including rosin)—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sago—Manufacturing or distilling.

---

1 This entry was inserted by Public Health Department Notification No. 295, dated the 3rd July 1944, published at page 181 of Part I-A of the *Fort St. George Gazette*, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the *Fort St. George Gazette*, dated the 5th April 1949.

2 This entry was substituted for the entry relating to "Petroleum Products" by Public Health Department Notification No. 16, dated the 9th January 1945, published at page 112 of Part I-A of the *Fort St. George Gazette*, dated the 16th January 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the *Fort St. George Gazette*, dated the 5th April 1949.
Saltpetre—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Seekai—Powdering by machinery.

Shellac—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Silk—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Skins—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Soap—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Spirits [that is to say, any liquor containing alcohol (whether denatured or not)]—Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

Straw—Selling or storing.

Sugar—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sugar-candy—Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sulphur—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

Surki—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Sweet-meats—Baking, preparing, keeping or storing for human consumption (for other than domestic use).

[Syrup—preparing or manufacturing by any process whatever.]

Tallow—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

---

1 These words were inserted by Public Health Department Notification, dated the 4th May 1948, published at page 64 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 18th May 1948.

2 This entry was inserted by Public Health Department Notification No. 151, dated the 12th April 1944, published at page 101 of Part I-A of the Fort St. George Gazette, dated the 18th April 1944, and re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.
Tar—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Thatching materials—Selling or storing.

Tiles—Manufacturing.

Timber—Selling or storing.

Tobacco (including snuff, cigars, cigarettes and beedies)—Storing, packing, pressing, preparing or manufacturing by any process whatever.

Turpentine—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

Wool—Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

Yarn—Dyeing.

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or ¹ [for boiling paddy or for keeping soiled clothes or washed clothes or for washing soiled clothes when such storage, boiling, keeping or washing] is for domestic use and limited to such quantities as may from time to time be fixed by the commissioner.

Guilding or electro-plating.

Keeping a shaving or hair dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

²[Washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping washed clothes.]

¹These words were substituted for the words "for boiling paddy when such storage or boiling" by Health Department Notification, dated the 27th November 1951, published at page 285 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 4th December 1931.

²This item was substituted for the original item by ibid.

²The following words were omitted by section 95 (x) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961):

"In general, any purpose or the doing in the course of any industrial process anything which in the opinion of the commissioner is likely to be dangerous to human life, or health or property or is likely to create or cause a nuisance."
**Madras City Municipal Corporation**

**SCHEDULE VII.**

**ORDINARY PENALTIES.**

[See section 357 (1).]

<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>106</td>
<td>(1) and (3)</td>
<td>Failure to give notice of transfer of title or to produce documents.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>107</td>
<td>(1)</td>
<td>Failure to send notice to commissioner after completion of construction or reconstruction of building.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>109</td>
<td>(1)</td>
<td>Failure of owner or occupier to furnish return of rent, etc.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>114</td>
<td></td>
<td>Failure of owner or occupier to comply with requisition to furnish list of persons carrying on profession, art, etc.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>115</td>
<td></td>
<td>Failure of employer or head of an office, firm or company to comply with requisition to furnish list of persons in his employ.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>120</td>
<td></td>
<td>Failure of occupier to comply with requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.</td>
<td>Ten rupees.</td>
</tr>
</tbody>
</table>

---

1. This item was inserted by section 243 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2. The words "or alderman" were omitted by section 2(2) of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1968).

3. The figure and brackets "(1)" were inserted by section 243 (iii) of Madras Act X of 1936.

4. These words were substituted for the words "furnish list of persons liable to tax" by section 243 (iv), ibid.

5. These words were substituted for the words "his representative to furnish list of persons liable to tax" by section 243 (v), ibid.

6. These words were substituted for the word "obey" by section 243 (u), ibid.
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1[120-A]</td>
<td>(2)</td>
<td>Failure of person liable to pay tax on carriages and animals to comply with requisition to furnish statements of vehicles and animals or furnishing incorrect statement.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>122</td>
<td>2[(1) and (2)]</td>
<td>Failure to [comply with] order to affix and register number of carriage.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>124</td>
<td>4[(2)]</td>
<td>Failure of owner to register cart.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Failure to have or keep registration number affixed to cart.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>129</td>
<td>(2)</td>
<td>Importation of timber into the city without payment of the tax due thereon.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>5[129-B]</td>
<td>(1)</td>
<td>Erecting, exhibiting, fixing, retaining or displaying advertisement without the written permission of the commissioner— (i) if the advertisement relates to any trade or business. (ii) if the advertisement does not relate to any trade or business.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Five rupees.</td>
</tr>
<tr>
<td>6[166]</td>
<td></td>
<td>Trespassing on premises connected with water-supply.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>168</td>
<td></td>
<td>Failure to maintain house connections in conformity with by-laws [....].</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1 This item was inserted by section 243 (vi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 The figures, word and brackets "(1) and (2)" were substituted for the figure and brackets "(1)" by section 243 (vii), *ibid*.
3 These words were substituted for the word "obey" by section 243 (i), *ibid*.
4 The figure and brackets "(2)" were substituted for the figure and brackets "(1)" by section 243 (viii), *ibid*.
5 This item was inserted by section 99 (i) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
6 Item relating to section 133 was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
7 The words "the regulations" were omitted by section 243 (ix) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
### Table: Madras City Municipal Corporation

<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>169</td>
<td>(2) and (4)</td>
<td>Failure to comply with requisition to make house connexion.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Occupying or allowing occupation of house without proper water-supply.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>177</td>
<td></td>
<td>Failure to maintain house-drains, etc., in conformity with bye-laws.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>178</td>
<td>(2) &amp; (3)</td>
<td>Failure to comply with requisition as to house drainage.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(4)</td>
<td>Occupying or allowing occupation of house without proper drainage.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>180</td>
<td>(b)</td>
<td>Failure to comply with direction as to limited use of drain or notice requiring construction of distinct drain.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>181</td>
<td>[(1)]</td>
<td>Unlawful construction of building over public drain.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>182</td>
<td></td>
<td>Failure to comply with requisition regarding culverts or to keep them free from obstruction.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>183</td>
<td></td>
<td>Failure to comply with requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>185</td>
<td>(2)</td>
<td>Keeping of public latrine without license.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Allowing public latrine to be in unclean condition or improper order.</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1 The figures, brackets and word "(2) and (4)" were substituted for the figure and brackets "(2)" by section 243 (x) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the word "obey" by section 243 (i), *ibid.*

3 The words "and regulations" were omitted by section 243 (xi), *ibid.*

4 The figure and brackets "(1)" were inserted by section 243 (xii), *ibid.*
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>185</td>
<td></td>
<td>Failure to ([comply with] requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>187</td>
<td></td>
<td>Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>188</td>
<td></td>
<td>Failure to ([comply with] requisition to provide latrines for market, cattle-shed, or cart-stand, or to keep them clean and in proper order.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>189</td>
<td></td>
<td>Failure to construct latrines so as to screen persons using them from view.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>191</td>
<td></td>
<td>Making connexion with mains without permission.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>195</td>
<td>(1)</td>
<td>Failure of occupier to ([comply with] direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>Failure to ([comply with] direction to collect rubbish and filth accumulating in latrine and to deposit in municipal carts.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Failure to ([comply with] direction to collect rubbish and filth and deposit them in public receptacle.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>196</td>
<td>(a)</td>
<td>Failure to ([comply with] direction to collect and remove rubbish and filth accumulating on business premises.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>202</td>
<td>(1)</td>
<td>Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.</td>
<td>Twenty rupees.</td>
</tr>
</tbody>
</table>

1 These words were substituted for the word "obey" by section 243 (1) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>202</td>
<td>(2)</td>
<td>Irregular deposit of rubbish or filth.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td></td>
<td>1[(3)</td>
<td>Depositing carcasses of animals, rubbish or filth in improper places.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td></td>
<td>4[(4)]</td>
<td>Keeping rubbish or filth for more than twenty-four hours, etc.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>209</td>
<td>2[(5)]</td>
<td>Allowing filth to flow in streets</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Building within street alignment or building line without permission.</td>
<td>One thousand rupees.</td>
</tr>
<tr>
<td>210</td>
<td>1[(1)]</td>
<td>Failure to comply with orders to set back buildings.</td>
<td>Five hundred rupees.</td>
</tr>
<tr>
<td>214</td>
<td></td>
<td>Unlawful displacement, etc., of pavement or fences, posts and other materials of public street.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>215</td>
<td></td>
<td>Failure to provide streets or roads on building sites prior to disposal.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>216</td>
<td></td>
<td>Unlawful making or laying of new street.</td>
<td>Five hundred rupees.</td>
</tr>
<tr>
<td>218</td>
<td></td>
<td>Failure to comply with requisition to metal, etc., private street.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>220</td>
<td></td>
<td>Building wall or erecting fence, etc., in a street, or any public place vested in the control of the corporation.</td>
<td>One hundred rupees.</td>
</tr>
</tbody>
</table>

1 This item was substituted for the original items relating to sub-sections (3) and (4) by section 243 (xiii) (b) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 The figures and brackets "(4) and (5)" were substituted for the figures and brackets "(5) and (6)" respectively by section 243 (xiii) (a), *ibid.*

3 This item was inserted by section 243 (xiv), *ibid.*

4 This item was inserted by section 243 (xv), *ibid.*

5 These words were substituted for the word "obey" by section 243 (i), *ibid.*

6 These words were inserted by section 243 (xvi), *ibid.*
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Failure to comply with requisition of building committee to construct or reconstruct buildings contraverting or decaying.</td>
</tr>
<tr>
<td>2</td>
<td>Utter and destruction, etc., of twenty rupees or more of building material.</td>
</tr>
<tr>
<td>3</td>
<td>Failure to replace number when twenty rupees.</td>
</tr>
<tr>
<td>4</td>
<td>Failure to fence or other building materials.</td>
</tr>
<tr>
<td>5</td>
<td>Failure to remove obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>6</td>
<td>Failure to remove permanent obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>7</td>
<td>Failure to remove temporary obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>8</td>
<td>Failure to remove permanent obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>9</td>
<td>Failure to remove temporary obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>10</td>
<td>Failure to remove permanent obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>11</td>
<td>Failure to remove temporary obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>12</td>
<td>Failure to remove permanent obstruction of two hundred rupees.</td>
</tr>
<tr>
<td>13</td>
<td>Failure to remove temporary obstruction of two hundred rupees.</td>
</tr>
</tbody>
</table>

Note: Without license or contrary to rules or section or clause of Madras City Municipal Corporation Act, 1948.
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>256</td>
<td>(1)</td>
<td>Failure to obtain permission before beginning the construction or reconstruction of a building.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>246-A</td>
<td>(1)</td>
<td>Failure to obtain permission before demolishing a building.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>254</td>
<td></td>
<td>Failure to keep external walls of premises in proper repair.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>257-B</td>
<td></td>
<td>Failure of owner of cheti or hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-C</td>
<td>(1)</td>
<td>Failure of owner of cheti or hutting ground to comply with requisition to prepare and submit plan.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>257-E</td>
<td></td>
<td>Construction of new buildings or huts or additions to existing buildings or huts before the preparation and approval of plan.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-F</td>
<td></td>
<td>Construction of new buildings or huts or additions to existing buildings or huts if situated in sites not marked in the standard plan.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-G</td>
<td>(1)</td>
<td>Failure of owner of building or hut to comply with requisition to remove whole or part of it.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-H</td>
<td>(1)</td>
<td>Failure of owner of cheti or hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>Erection of new building or hut or making addition to existing building or hut before compliance with notice under sub-section (1).</td>
<td>Two hundred rupees.</td>
</tr>
</tbody>
</table>

*These items were inserted by section 99 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).*

*Items relating to sections 257-B to 257-AA were inserted by section 243 (xix) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).*
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>257-K</td>
<td></td>
<td>Failure of owners of buildings or huts or owners of chéri or hutting ground to comply with notice to carry out improvements.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-U</td>
<td>(1) &amp; (2)</td>
<td>Failure of owner of land to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain convenience made by him.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Failure of tenants to comply with notice to repair street, etc.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>257-X</td>
<td>(3)</td>
<td>Failure to remove all buildings or huts.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(5)</td>
<td>Failure of owner of land to comply with notice to carry out improvements.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-Y</td>
<td>(4)</td>
<td>Erection of hut or portion of hut within street alignment.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>257-Z</td>
<td>(1)</td>
<td>Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>257-AA</td>
<td></td>
<td>Failure of person who erects a masonry building to comply with notice to leave a clear space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>258</td>
<td></td>
<td>Failure to [comply with] requisition to take down, repair or secure dangerous structure.</td>
<td>Five hundred rupees.</td>
</tr>
<tr>
<td>259</td>
<td></td>
<td>Failure to [comply with] requisition to secure, lop, or cut down dangerous tree.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>260</td>
<td></td>
<td>Failure to [comply with] requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1 These words were substituted for the word "obey" by section 243(i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Subsection or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 261</td>
<td>.</td>
<td>Failure to comply with notice regarding precautions against fire.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>(1) 262</td>
<td>.</td>
<td>Constructing well, etc., without permission.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Failure to comply with notice to fill up or demolish well, etc.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 263</td>
<td>.</td>
<td>Failure to comply with requisition to stop dangerous quarrying.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(4)</td>
<td>Failure to comply with requisition to fill up, etc., tank or well, or drain off water, etc.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Cultivating contrary to prohibitions or regulations.</td>
<td>Five hundred rupees.</td>
</tr>
<tr>
<td>(1) 265</td>
<td>.</td>
<td>Failure to comply with requisition to cleanse or close, etc., tank, well or other source of water used for drinking, bathing or washing clothes.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 266</td>
<td>.</td>
<td>Unlawful washing and fishing in river, or estuary after prohibition or contrary to regulations.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>(1) 267</td>
<td>.</td>
<td>Defiling water in tanks, etc.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 268</td>
<td>.</td>
<td>Failure to comply with requisition to enclose, clear or cleanse untenanted premises.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 269</td>
<td>.</td>
<td>Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation.</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1. These words were substituted for the word "obey" by section 243 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2. The figure and brackets "(1)" were inserted by section 243 (xx) (a), ibid.
3. This item was inserted by section 243 (xx) (b), ibid.
4. These words were inserted by section 243 (xxi), ibid.
5. This item was substituted for the original items relating to section 268 (a), (b), (c) and (d) by section 243 (xxii), ibid.
6. These words were substituted for the words "prickly-pear or other noxious vegetation" by section 243 (xxiii), ibid.
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3[270-A]</td>
<td></td>
<td>Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping etc., of coal, ashes, etc.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>271</td>
<td></td>
<td>Failure to comply with requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>272</td>
<td></td>
<td>Failure to comply with requisition to lime-wash or otherwise cleanse building.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>273</td>
<td></td>
<td>Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.</td>
<td>One hundred rupees in the case of masonry building and fifty rupees in the case of hut.</td>
</tr>
<tr>
<td>274</td>
<td>(2)</td>
<td>Using or allowing the use of buildings unfit for human habitation after prohibition.</td>
<td>Twenty rupees for each day.</td>
</tr>
<tr>
<td></td>
<td>(4)</td>
<td>Failure to comply with requisition to demolish the same.</td>
<td>Twenty rupees for each day.</td>
</tr>
<tr>
<td>275</td>
<td>(1)</td>
<td>Allowing overcrowding in building after order to abate the same.</td>
<td>Twenty rupees for each day.</td>
</tr>
<tr>
<td></td>
<td>(4)</td>
<td>Failure to comply with requisition to vacate overcrowded building or room.</td>
<td>Twenty rupees for each day.</td>
</tr>
<tr>
<td>3[279]</td>
<td>(1)</td>
<td>Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>280</td>
<td>(a)</td>
<td>Unlawful keeping of pigs.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td></td>
<td>(b)</td>
<td>Unlawful keeping of animal so as to be a nuisance or &quot;danger&quot;.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td></td>
<td>(c)</td>
<td>Feeding of animals on filth</td>
<td>Twenty rupees.</td>
</tr>
</tbody>
</table>

1 This item was inserted by section 243 (xxiv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the word "obey" by section 243 (1), ibid.

3 This item was inserted by section 243 (xxv), ibid.

4 This word was substituted for the word "dangerous" by section 3 (1) of, and the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 282</td>
<td>(2)</td>
<td>Use of place as stable, cattle-stand, etc., without licence or contrary to licence.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(3) 284</td>
<td></td>
<td>Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(4) [285-A]</td>
<td></td>
<td>Using a public place or the sides of a public street as a public landing place, etc.</td>
<td>[Two hundred rupees.]</td>
</tr>
<tr>
<td>(5) 285-C</td>
<td>(1)</td>
<td>Opening or keeping open a new private cart-stand without licence or contrary to licence.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>(6) 286</td>
<td></td>
<td>Failure to remove carcass of animal.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>(7) [287]</td>
<td>(1)</td>
<td>Using a place for any of the purposes specified in Schedule VI without licence or contrary to licence.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>(8) 288</td>
<td>(1), (2) &amp; (3)</td>
<td>Unlawful erection of factory, workshop, workplace or machinery.</td>
<td>One thousand rupees.</td>
</tr>
<tr>
<td></td>
<td>(5)</td>
<td>Disobedience of order regarding chimneys.</td>
<td>Five hundred rupees.</td>
</tr>
<tr>
<td>(9) 289</td>
<td>(1)</td>
<td>Disobedience of order regarding abatement of nuisance.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>Disobedience of order prohibiting the working of factory, etc., or the use of particular fuel.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>(10) 289-A</td>
<td></td>
<td>Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.</td>
<td>Five hundred rupees.</td>
</tr>
</tbody>
</table>

*These items were inserted by section 243 (xxvi) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

*These words were substituted for the words "Twenty rupees" by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act X of 1951).

*Items relating to sections 287 to 289-B were substituted for the original items relating to sections 287 to 290 by section 243 (xxvii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
## Madras City Municipal Corporation [1919: T.N. Act IV

<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3)</td>
<td>(3)</td>
<td>Disobedience of order regarding abatement of nuisance or danger to life, etc.</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>293</td>
<td>(2)</td>
<td>Washing of clothes by washerman at unauthorized places.</td>
<td>Twenty rupees</td>
</tr>
<tr>
<td>295</td>
<td></td>
<td>Use of place as slaughter-house without licence or contrary to licence.</td>
<td>Two hundred rupees</td>
</tr>
<tr>
<td>297</td>
<td></td>
<td>Slaughter of animals for sale or food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause a nuisance.</td>
<td>Twenty rupees for every animal, carcass or skin</td>
</tr>
<tr>
<td>299</td>
<td></td>
<td>Carrying on milk trade without licence or contrary to licence.</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>302</td>
<td></td>
<td>Sale or exposure for sale in public market of animal or article ['[...]' without [permission] or contrary to [permission].</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>303</td>
<td>(2)</td>
<td>Opening private market without licence or contrary to licence.</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>304</td>
<td></td>
<td>Keeping open private market without licence or contrary to licence.</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>305</td>
<td></td>
<td>Sale or exposure for sale of animal or article in unlicensed private market.</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>306</td>
<td></td>
<td>Failure to [comply with] direction to construct approaches, drains, etc., to private markets or to pave them, etc.</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>307</td>
<td>(2)</td>
<td>Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.</td>
<td>Fifty rupees for each day</td>
</tr>
</tbody>
</table>

---

1 The words "of food" were omitted by section 243 (xxviii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This word was substituted for the word "licence" by *ibid*.

3 These words were substituted for the word "obey" by section 243(1), *ibid*.
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>308</td>
<td></td>
<td>Breach of market regulations</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>308-B</td>
<td></td>
<td>Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>309</td>
<td></td>
<td>Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>310</td>
<td>2</td>
<td>Sale or exposure for sale of animal or article in public streets</td>
<td>Twenty rupees</td>
</tr>
<tr>
<td>313</td>
<td></td>
<td>Preventing the commissioner or any person authorised by him from exercising his powers of entry, etc., under section 312</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>315</td>
<td></td>
<td>Removing or in any way interfering with an animal or article secured under section 314</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>319</td>
<td>(1)</td>
<td>Opening, etc., without licence a new place for the disposal of the dead</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>321</td>
<td>(4)</td>
<td>Use or allowance of use of unlicensed burial or burning ground</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td></td>
<td>(4)</td>
<td>Use or allowance of use of unregistered burial or burning ground</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>322</td>
<td></td>
<td>Failure to give information of burials or burnings in burial or burning ground</td>
<td>Twenty rupees</td>
</tr>
<tr>
<td>323</td>
<td></td>
<td>Construction of vault or grave or burial of corpse in place of public worship</td>
<td>Five hundred rupees</td>
</tr>
<tr>
<td>324</td>
<td>(3)</td>
<td>Burial or burning in place after prohibition</td>
<td>Two hundred rupees</td>
</tr>
<tr>
<td>325</td>
<td></td>
<td>Burial or burning [etc., of corpses]</td>
<td>Fifty rupees</td>
</tr>
</tbody>
</table>

1 This item was inserted by section 243 (xxix) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the words “Sale of article in public streets after prohibition or contrary to regulation” by section 243 (xxx), ibid.

3 This item was inserted by section 243 (xxxii), ibid.

4 These words were substituted for the words “in places contrary to Act or by-laws” by section 243 (xxxii), ibid.
<table>
<thead>
<tr>
<th>Section or rule.</th>
<th>Sub-section or clause.</th>
<th>Subject.</th>
<th>Fine which may be imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 326</td>
<td></td>
<td>Discharge of office of grave digger or attendant at place for disposal of dead without licence.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>(1) 330</td>
<td></td>
<td>Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 334</td>
<td></td>
<td>Failure to [comply with] requisition to cleanse or disinfect building or article.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(2) 336</td>
<td></td>
<td>Washing of infected articles at unauthorized places.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Giving, lending, etc., of infected articles.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>[337-A]</td>
<td></td>
<td>Infected person carrying on occupation.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 338</td>
<td></td>
<td>Entry of infected person into public conveyance without notifying fact of infection.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(1) 339</td>
<td></td>
<td>Failure to disinfect public conveyance, etc.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>(2)</td>
<td></td>
<td>Using before obtaining certificate from health officer a public conveyance in which an infected person travelled.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>340</td>
<td></td>
<td>Letting or subletting of infected building without certificate from the health officer.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>341</td>
<td></td>
<td>Failure to close place of public entertainment.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>342</td>
<td></td>
<td>Sending infected child to school.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>343</td>
<td></td>
<td>Use or permitting use of book from public or circulating library by infected person.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>[343-A]</td>
<td></td>
<td>Using water after prohibition</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1 These words were substituted for the word "obey" by section 243 (ii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 This item was inserted by section 243 (xxxiii), ibid.
3 This item was inserted by section 243 (xxxiv), ibid.
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Subsection or clause</th>
<th>Subject</th>
<th>Fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 345</td>
<td>(2)</td>
<td>Failure to give information on small pox</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>(3) 346</td>
<td>(2)</td>
<td>Entering city within forty days of inoculation for small pox without certificate</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>(3) 356</td>
<td>(2)</td>
<td>Prevention of inspection of copies of rules and by-laws publicly exhibited</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>(4)</td>
<td>(2)</td>
<td>Destruction, etc., of beard exhibiting printed copies of by-laws and rules</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>(7) 365</td>
<td>(2)</td>
<td>Failure to produce licence on request</td>
<td>Ten rupees</td>
</tr>
<tr>
<td>(7) 368</td>
<td>(2)</td>
<td>Failure to [comply with] requisition to attend, produce document or give evidence</td>
<td>One hundred rupees</td>
</tr>
<tr>
<td>(1) 376</td>
<td>(2)</td>
<td>Failure of occupier to [comply with] requisition to permit owner to comply with provisions of Act</td>
<td>Fifty rupees for each day</td>
</tr>
<tr>
<td>(3) [378]</td>
<td>(2)</td>
<td>Preventing the commissioner or any person authorized by him from exercising his powers of entry, etc.</td>
<td>Fifty rupees</td>
</tr>
<tr>
<td>(2) 406</td>
<td></td>
<td>Obstructing or molesting [council, standing committee, Mayor], etc.</td>
<td>Two hundred rupees</td>
</tr>
<tr>
<td>(2) 407</td>
<td></td>
<td>Removing mark set up for indicating level, etc.</td>
<td>Two hundred rupees</td>
</tr>
</tbody>
</table>

1 These words were substituted for the word “obey” by section 243 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
2 This item was inserted by section 243 (xxxv), ibid.
3 These words were substituted for the words “municipal contractors” by section 243 (xxxvi), ibid.
4 The words “central committee, a circle committee, the corporation accounts committee” were substituted for the words “standing committee” by section 99 (iii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961); and the words “standing committee” were again substituted for the words “central committee, a circle committee, the corporation accounts committee” by section 34 of, and Schedule I to, the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).
Schedule V, rule 18.

Failure to [comply with] requisition by auditors to attend, give evidence or produce document.

One hundred rupees.

SCHEDULE VIII.

PENALTIES FOR CONTINUING BREACHES.

[See section 357 (2).]

Section or rule. Sub-section or clause. Subject. Daily fine which may be imposed.

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>408</td>
<td>..</td>
<td>Removal, etc., of notice exhibited by or under orders of the corporation or commissioner.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>409</td>
<td>..</td>
<td>Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or on river, estuary, etc.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>168</td>
<td>..</td>
<td>Failure to maintain house-connections in conformity with by-laws</td>
<td>Five rupees.</td>
</tr>
</tbody>
</table>

1 These words were added by section 243 (xxxvii) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 These words were substituted for the word "obey" by section 243 (i), *ibid.*

3 This item was inserted by section 168 (1) of the Madras City Municipal (Amend.) Act, 1961 (Tamil Nadu Act 56 of 1961).

4 The words "and regulations" were omitted by section 244 (ii) of Madras Act X of 1936.
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Daily fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>Failure to comply with requisition to make house-connexion.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>169</td>
<td>(2) [and (4)]</td>
<td>Failure to maintain house-drains, etc., in conformity with bye-laws.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>177</td>
<td>(2) &amp; (3)</td>
<td>Failure to comply requisition as to house-drainage.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>178</td>
<td>(4)</td>
<td>Occupying or allowing occupation of house without proper drainage.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>183</td>
<td></td>
<td>Failure to comply requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>185</td>
<td>(2)</td>
<td>Keeping of public latrine without licence.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>186</td>
<td>(3)</td>
<td>Allowing public latrine to be in an unclean condition or improper order.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>187</td>
<td></td>
<td>Failure to comply requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>188</td>
<td></td>
<td>Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Failure to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.</td>
<td>Twenty rupees.</td>
</tr>
</tbody>
</table>

1 The word, figure and brackets “and (4)” were inserted by section 244 (ii), Madras Act X of 1936.

2 These words were substituted for the word “obey” by section 244 (i) of Madras Act X of 1936.

3 The words “and regulations” were omitted by section 244 (iv), ibid.
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Daily fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>202</td>
<td>(1) &amp; (4)]</td>
<td>Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>209</td>
<td></td>
<td>Building within street alignment or building line without permission.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>215</td>
<td></td>
<td>Failure to provide streets or roads on building sites prior to disposal.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>222</td>
<td></td>
<td>Failure to remove permanent encroachment.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>223</td>
<td></td>
<td>Failure to remove temporary encroachment.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>226</td>
<td>(1)</td>
<td>Unlawful making of hole or placing of obstruction in street</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>227</td>
<td></td>
<td>Construction, etc., of building without licence where street or foot-way is likely to be obstructed.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>232</td>
<td>(1)</td>
<td>Failure to comply with requisition to round or splay off buildings at corners of streets.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>233</td>
<td></td>
<td>Construction [reconstruction or retention] of external roof, etc., with inflammable materials.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>254</td>
<td></td>
<td>Failure to keep external walls of premises in proper repair.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>257-B</td>
<td></td>
<td>Failure of owner of cheti or hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1 The figure and brackets "(4)" were substituted for the figure and brackets "(3)" by section 244 (v) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This item was inserted by section 4 of the Madras City Municipal (Amendment) Act, 1942 (Madras Act XV of 1942), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

3 These words were inserted by section 244 (vii), ibid.

4 Items 257-B to 257-AA were inserted by section 244 (viii), ibid.
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Daily fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>257-C</td>
<td>(1)</td>
<td>Failure of owner of cheli or hut-ting ground to comply with requisition to prepare and submit plan.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>257-G</td>
<td>(1)</td>
<td>Failure of owner of building or hut to comply with requisition to remove whole or part of it.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>257-H</td>
<td>(1)</td>
<td>Failure of owner of cheli or hut-ting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>257-K</td>
<td></td>
<td>Failure of owners of buildings or huts or owners of cheli or hut-ting ground to comply with notice to carry out improvements.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>257-U</td>
<td>(1) &amp; (2)</td>
<td>Failure of owner of land to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain conveniences made by him.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(3)</td>
<td>Failure of tenants to comply with notice to repair street, etc.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>257-X</td>
<td>(3)</td>
<td>Failure to remove all buildings or huts.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td></td>
<td>(6)</td>
<td>Failure of owner of land to comply with notice to carry out improvements.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>257-Z</td>
<td>(1)</td>
<td>Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>257A</td>
<td></td>
<td>Failure of person who erects a masonry building to comply with notice to leave a clear space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>Section or rule.</td>
<td>Sub-section or clause.</td>
<td>Subject.</td>
<td>Daily fine which may be imposed.</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>260</td>
<td></td>
<td>Failure to comply with requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>261</td>
<td></td>
<td>Failure to comply with notice regarding precaution against fire.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>263</td>
<td></td>
<td>Failure to comply with requisition to stop dangerous quarrying.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>264</td>
<td></td>
<td>Failure to comply with requisition to fill up, etc., tank or well or drain off water, etc.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>265</td>
<td></td>
<td>Failure to comply with requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking <em>(bathing or washing clothes.</em>)</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>269</td>
<td></td>
<td>Failure to comply with requisition to enclose, clear or cleanse untenanted premises.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>270</td>
<td></td>
<td>Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or overgrown with <em>(any thick or noxious vegetation.</em>)</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>271</td>
<td></td>
<td>Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal, ashes, etc.</td>
<td>Twenty rupees.</td>
</tr>
</tbody>
</table>

1 These words were substituted for the word "obey" by section 244 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936.)
2 These words were added by section 244 (ix), ibid.
3 These words were substituted for the words, "prickly-pear or other noxious vegetation" by section 244 (x), ibid.
4 This item was inserted by section 244 (xi), ibid.
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Daily fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>272</td>
<td></td>
<td>Failure to (comply with) requisition to lime-wash or otherwise cleanse building.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>273</td>
<td></td>
<td>Failure to (comply with) requisition to execute work or take other action with respect to insanitary buildings.</td>
<td>Ten rupees in the case of masonry building and five rupees in the case of hut.</td>
</tr>
<tr>
<td>279</td>
<td>(1)</td>
<td>Keeping a lodging house, eating house, tea shop, etc., without or contrary to licence.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>280</td>
<td>(a)</td>
<td>Unlawful keeping of pigs.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td></td>
<td>(b)</td>
<td>Unlawful keeping of animal so as to be a nuisance or danger.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>282</td>
<td></td>
<td>Use of place as stable, cattle-stand, etc., without licence or contrary to licence.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>284</td>
<td></td>
<td>Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>285-A</td>
<td></td>
<td>Using a public place or the sides of a public street as a public landing place, etc.</td>
<td>(Twenty rupees.)</td>
</tr>
<tr>
<td>286-C</td>
<td></td>
<td>Keeping open a new private cart-road without licence or contrary to licence.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>286</td>
<td></td>
<td>Failure to remove carcass of animal.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>287</td>
<td>(1)</td>
<td>Using a place for any of the purposes specified in Schedule VI without licence or contrary to licence.</td>
<td>Fifty rupees.</td>
</tr>
</tbody>
</table>

1 These words were substituted for the word “obey” by section 244 (i) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).

2 This item was inserted by section 244 (xii), ibid.

3 Items relating to sections 285-A and 285-C were inserted by section 244 (xiii), ibid.

4 These words were substituted for the words “Two hundred rupees” by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

5 Items relating to sections 287 to 289-B were substituted for the original items relating to sections 287 to 290 by section 244 (xiv) of the Madras City Municipal (Amendment) Act, 1936 (Madras Act X of 1936).
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Daily fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>288</td>
<td>(1), (2) &amp; (3)</td>
<td>Unlawful erection of factory, workshop, workplace or machinery.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(5)</td>
<td>Disobedience of order regarding chimneys.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>289</td>
<td>(1)</td>
<td>Disobedience of order regarding abatement of nuisance.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td></td>
<td>(2)</td>
<td>Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.</td>
<td>Two hundred rupees.</td>
</tr>
<tr>
<td>289-A</td>
<td></td>
<td>Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>289-B</td>
<td></td>
<td>Disobedience of order regarding abatement of nuisance or danger to life, etc.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>295</td>
<td></td>
<td>Use of place as slaughter-house without licence or contrary to licence.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>299</td>
<td></td>
<td>Carrying on milk trade without licence or contrary to licence.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>303</td>
<td>(2)</td>
<td>Opening private market without licence or contrary to licence.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>304</td>
<td></td>
<td>Keeping open private market without licence or contrary to licence.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>305</td>
<td></td>
<td>Sale or exposure for sale of animal or article in unlicensed private market.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>307</td>
<td>(2)</td>
<td>Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.</td>
<td>Five rupees.</td>
</tr>
<tr>
<td>308</td>
<td></td>
<td>Breach of market regulations</td>
<td>Ten rupees.</td>
</tr>
</tbody>
</table>

1 This item was inserted by section 100 (ii) of the Madras City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
<table>
<thead>
<tr>
<th>Section or rule</th>
<th>Sub-section or clause</th>
<th>Subject</th>
<th>Daily fine which may be imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>308-B</td>
<td></td>
<td>Failure of person in charge of markets to expel persons suffering from leprosy or other infectious or contagious disease.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>309</td>
<td></td>
<td>Carrying on butcher’s, fishmonger’s or poulterer’s trade without licence, etc.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>319</td>
<td>(1)</td>
<td>Exposing carcasses of animals for sale without licence.</td>
<td>Twenty rupees.</td>
</tr>
<tr>
<td>334</td>
<td></td>
<td>Failure to comply with requisition to cleanse or disinfect building or article.</td>
<td>Ten rupees.</td>
</tr>
<tr>
<td>337-A</td>
<td></td>
<td>Infected person carrying on occupation.</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>341</td>
<td></td>
<td>Failure to close place of public entertainment.</td>
<td>One hundred rupees.</td>
</tr>
<tr>
<td>343-A</td>
<td></td>
<td>Using water after prohibition</td>
<td>Fifty rupees.</td>
</tr>
<tr>
<td>Schedule V, rule 18</td>
<td>Failure to comply with requisition by auditors to attend, give evidence or produce document.</td>
<td>Seventy rupees.</td>
<td></td>
</tr>
</tbody>
</table>

1 This item was inserted by section 255 (xv) of Madras Act X of 1936.
2 This item and the item relating to section 319 were inserted by section 244 (xvi), *ibid.*
3 These words were substituted for the word ‘obey’ by section 244 (i), *ibid.*
4 Items relating to sections 337-A, 341 and 343-A were inserted by section 244 (xvi), *ibid.*
1922 : T.N. Act VII] Madras City Municipal (Amendment)

[Tamil Nadu] ACT No. VII OF 1922.

[The Madras City Municipal (Amendment) Act, 1922.]

(Received the assent of the Governor on the 24th March 1922 and that of the Governor-General on the 26th April 1922; the assent of the Governor-General was first published in the Fort St. George Gazette of the 16th May 1922).

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

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919*; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras City Municipal (Amendment) Act, 1922.

   (2) Section 4 shall be deemed to have been in force from the 1st October 1919.

   (3) In this Act the expression “Principal Act” means the Madras City Municipal Act, 1919.*

4. (Not printed as the amendments have been carried out in the Principal Act).

1 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

2 For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 7th February 1922, page 4.

3 Sections 2 and 3 were repealed by the Madras Repealing Act, 1936 (Madras Act VI of 1937).

*The short title of this Act has now been amended as the Madras City Municipal Corporation Act, 1919.

125-14-2a
An Act further to amend the Madras City Municipal Act, 1919*, the 1[Tamil Nadu] District Municipalities Act, 1920, and the 1[Tamil Nadu] Local Boards Act, 1920.3

Whereas it is expedient further to amend the Madras City Municipal Act, 1919*, the 1[Tamil Nadu] District Municipalities Act, 1920, and the 1[Tamil Nadu] Local Boards Act, 19203, for the purposes hereinafter appearing 4[It is hereby enacted as follows :—]

1. This Act may be called the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942.

2. (1) The term of office of the councillors and aldermen of the Corporation of Madras which, under the law now in force, extends up to noon on the first

---

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.
2 For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 3rd December 1940—Part IV-A, page 91.
3 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).
4 These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 4 of the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
5 The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.
day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras City Municipal Act, 1919*, as amended by this section, shall have effect accordingly:

Provided that the Government shall have power to direct that the term of office aforesaid shall expire at, or extend up to, noon on such earlier or later date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

(2) Where any date other than the first day of November of any year is fixed under the proviso to sub-section (1), the provisions of the Madras City Municipal Act, 1919*, shall be subject to the following modifications, namely:

(a) The Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919*, expire at noon on the first 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.

* The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.
(d) The 1[State] Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 28 of the Madras City Municipal Act, 1919*, at the first meeting of the council held after the first day of November, immediately succeeding the date 1919 referred to in clause (a).

9. The term of office of the members of every panchayat constituted under the 2[Tamil Nadu] Local Boards Act, 1920†, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the 2[Tamil Nadu] Local Boards Act, 1920†, as amended by this section, shall have effect accordingly:

Provided that the 1[State] Government shall have power to direct that the term of office aforesaid shall, in the case of such panchayats or any of them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

10. In the case of any panchayat constituted under the 2[Tamil Nadu] Local Boards Act, 1920†, to which section 9 does not apply, the 1[State] Government shall have power to extend the term of office of the members up to noon on such date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

---

1 This word was substituted for the word “Provincial” by the Adaptation Order of 1950.

2 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

3 Sections 3 to 8 were omitted by section 3 of and the Schedule to the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

4 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

* The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.
11. Where any district board or panchayat has special provision for reconstitution by election for the first time after the commencement of this Act, the provisions of the 1[Tamil Nadu] Local Boards Act, 1920, shall be subject to the following modifications, namely:

(a) The 3[State] Government shall cause elections to be held to the district board or panchayat, so that the newly elected members may come into office on the date on which the term of the members previously holding office will expire.

(b) The term of office of the newly elected members shall, subject to the provisions of the 1[Tamil Nadu] Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire in such calendar year and on such date therein as the 3[State] Government may fix:

Provided that the same calendar year shall be fixed in respect of all district boards and panchayats situated in any of the districts included in the same Group of the Schedule to the Madras Local Boards (Amendment) Act, 1935.

4[Explanation.---Nothing contained in clause (a) shall be deemed to affect in any way the operation of section 3 of the 1[Tamil Nadu] District Municipalities and Local Boards (Second Amendment) Act, 1946.]

---

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

3 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

4 This Explanation was added by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
12. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras City Municipal Act, 1919*, the District Municipalities Act, 1920, or the Local Boards Act, as amended by this Act, the Government of the State may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

---

1 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

3 This word was substituted for the word “Provincial” by the Adaptation Order of 1950.

* The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.

[THE [Tamil Nadu] MUNICIPAL AND LOCAL BOARDS (AMENDMENT) ACT, 1947.]

(Received the assent of the Governor on the 2nd December 1947; first published in the Fort St. George Gazette on the 9th December 1947.)

An Act further to amend the [Tamil Nadu] District Municipalities Act, 1920, and the [Tamil Nadu] Local Boards Act, 1920, and to supplement the Madras City Municipal Act, 1919.*

WHEREAS it is expedient further to amend the [Tamil Nadu] District Municipalities Act, 1920, and the [Tamil Nadu] Local Boards Act, 1920, and to supplement the Madras City Municipal Act, 1919.*

for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Act may be called the [Tamil Nadu] Municipal and Local Boards (Amendment) Act, 1947.

(2) Section 2 of this Act shall be deemed to have come into force on the 29th day of June 1920, section 3 on the 4th day of January 1921, and section 4 on the 1st day of April 1946.

* [2. * * * * ]

1 These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 12th August 1947, Part IV-A, pages 135—136.

3 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

4 Sections 2 and 3 were repealed by Tamil Nadu Act XI of 1952.

* The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.
4. If any difficulty arises in giving effect to the provisions of the Madras City Municipal Act, 1919,* in relation to the areas (comprising the Saidapet Municipal area, the Sembiam and Aminjikarai Panchayat areas, and certain other areas) included within the limits of the City of Madras by Local Administration Department Notification No. 107, published at page 79 of Part I-A of the Fort St. George Gazette, dated the 19th March 1946, the *[State] Government, as occasion requires, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

---

1 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 This word was substituted for the word “Provincial” by the Adaptation Order of 1950.

* The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.

† Sections 2 and 3 were repealed by Tamil Nadu Act XI of 1952.
An Act further to amend the Madras City Municipal Act, 1919.*

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919*, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras City Municipal (Amendment) Act, 1951.

2. (1) The State Government shall have power to direct that the term of office of the councillors and aldermen of the Corporation of Madras which under the law now in force extends up to noon of the first day of November 1951 shall extend instead up to noon on such date as may be fixed by them.

(2) The State Government may, from time to time, advance or postpone any date fixed by them 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 first day of November 1952.

---

1. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2. For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 21st August 1951, Part IV-A, page 124.

*The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.
3. Where any date other than the first day of November, 1952 is fixed under section 2, the provisions of the Madras City Municipal Act, 1919*, shall have effect subject to the following modifications, namely:—

(a) The State Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919*, expire at noon on the first 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.

(d) The State Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 28 of the Madras City Municipal Act, 1919*, at the first meeting of the council held after the first day of November immediately succeeding the date referred to in clause (a).

4. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919*, Power to remove as amended by this Act, the State Government may, as difficulties occasion may require, by order, do anything which appears to them necessary for the purpose or removing the difficulty.

---

1. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

* The short title of this Act has now been altered as the Madras City Municipal Corporation Act, 1919.

[The Madras City Municipal (Amendment) Act, 1958.]

[Received the assent of the Governor on the 30th September 1958; first published in the Fort St. George Gazette Extraordinary on the 1st October 1958 (Asvina 9, 1880).]

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

Whereas it is expedient further to amend the Madras City Municipal Act, 1919*[Tamil Nadu] Act IV of 1919, for the purposes hereinafter appearing;

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

1. This Act may be called the “Madras City Municipal Short title (Amendment) Act, 1958”.

2-27. [Incorporated in the Principal Act (Tamil Nadu Act IV of 1919).]

28. (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.

---

1 These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2 For statement of Objections and Reasons, see Fort St. George Gazette Extraordinary, dated the 30th August 1958, Part IV-A, pages 284 and 285.

*Now the Madras City Municipal Corporation Act, 1919.
(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. 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.

[Received the assent of the Governor on the 4th September 1971, and published in the Tamil Nadu Government Gazette Extraordinary on the 6th September 1971 (Bhadra 15, 1893).]

An Act further to amend the Madras City Municipal Corporation Act, 1919 and the Tamil Nadu District Municipalities Act, 1929 and to extend the term of office of municipal councillors.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-second Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Madras City Municipal Corporation and Tamil Nadu District Municipalities commencement (Amendment and Extension of term of office) Act, 1971.

(2) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act:

Provided that any reference in section 35, section 39, 41 and Schedule II to the commencement of this Act shall be construed as a reference to the coming into force of the relevant provision.

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary dated the 11th July 1971, Part IV—Section 3, page 581.

The expression "section 40" was omitted by section 2 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) (Amendment) Act, 1974 (Tamil Nadu Act 11 of 1974).
2-34. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919).]

35. (1) Notwithstanding anything contained in this Act or in the 1919 Act, in regard to the first constitution of any standing committee or the additional standing committee in accordance with the provisions of the 1919 Act as amended by this Act and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule II.

(2) The State Government shall have power, by notification, to amend, add to, or repeal, the rules in the said Schedule.

(3) If any difficulty arises in first giving effect to the provisions of this Act or of the 1919 Act as amended by this Act or as to the first constitution of any standing committee, or any additional standing committee after the commencement of this Act, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

(4) Every notification issued under sub-section (2) and every order made under sub-section (3) shall as soon as possible after it is issued or made, be placed on the table of both Houses of the Legislature, and if, before
the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any notification or order or both Houses agree that the notification or order should not be issued or made, the notification or order 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 notification or order.

PART III.


36-37. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).]

PART IV.

EXTENSION OF TERM OF OFFICE OF COUNCILLORS.

38. In this Part, unless the context otherwise requires,—Definition.

(1) "councillor" means a councillor of a municipal authority;
(2) "Government" means the State Government;

(3) "municipal authority" means the Municipal Corporation of Madras or a Municipal Council.

(4) "ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy.

Extension of term of office of councillors of the Municipal Corporation of Madras.

39. Notwithstanding anything contained in the 1919 Act, as amended by this Act, the term of office of the councillors of the Municipal Corporation of Madras holding office as such on the date of commencement of this Act shall extend up to 1the thirtieth day of November 1973] 2[** **] :

Provided that the Government may, by notification, for sufficient cause direct that the term so extended be reduced by such periods as may be specified in the notification and the Government may, in the like manner, cancel or modify any such notification.

1 This expression was substituted for the expression "the first day of November 1973" by section 4(i) of the Madras City Municipal Corporation Laws (Amendment) Act, 1973 (Tamil Nadu Act 34 of 1973), which was deemed to have come into force on the 6th October 1973.

2 The expression "and thereafter the provisions of sections 55 and 55-A of the said 1919 Act as amended by this Act shall so far as may be, apply to the next ordinary election to be held" was omitted by section 4(ii) of the Madras City Municipal Corporation Laws (Amendment) Act, 1973 (Tamil Nadu Act 34 of 1973).
40. (1) Notwithstanding anything contained in the 1920 Act, as amended by this Act, the term of office of—

(i) 1[the councillors of any municipal council (other than the Coimbatore Municipal Council)] holding office as such on 2[the date of publication of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) (Amendment) Act, 1974 in the Tamil Nadu Government Gazette,] and

(ii) the 3[councillors (other than the councillors of the Coimbatore Municipal Council) elected] after 4[the date of publication of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) (Amendment) Act, 1974 in the Tamil Nadu Government Gazette,] to any newly constituted or reconstituted municipal council, 4[shall, extend up to the noon on the first day of July 1976: ]

---

1 These words and brackets were substituted for the words "the councillors of any municipal council" by section 2(1) (i) of the Tamil Nadu District Municipal Councillors (Extension of term of office) Act, 1975 (Tamil Nadu Act 38 of 1975), which was deemed to have come into force on the 30th June 1975.

2 This expression was substituted for the expression "the date of commencement of this Act" by section 3 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) (Amendment) Act, 1974 (Tamil Nadu Act 11 of 1974).

3 These words and brackets were substituted for the words "councillors elected" by section 2(1) (ii) of the Tamil Nadu District Municipal Councillors (Extension of term of office) Act, 1975 (Tamil Nadu Act 38 of 1975), which was deemed to have come into force on the 30th June 1975.

4 The expression "first day of August 1974" was substituted for the expression "first day of May 1974" by section 2 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Second Amendment Act, 1974 (Tamil Nadu Act 19 of 1974). Again the expression "first day of November 1974" was substituted for the expression "first day of August 1974" by section 2(i) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Third Amendment Act, 1974 (Tamil Nadu Act 49 of 1974). Thereafter the expression "first day of July 1975" was substituted for the expression "first day of November 1974" by section 10 of the Tamil Nadu Local Authorities' Laws (Second Amendment) Act, 1974 (Tamil Nadu Act 2 of 1975). The present expression was substituted for the expression "shall, extend up to the noon on the first day of July 1975" by section 2(1) (iii) of the Tamil Nadu District Municipal Councillors (Extension of term of office) Act, 1975 (Tamil Nadu Act 38 of 1975), which was deemed to have come into force on the 30th June 1975.
1 [Provided that the Government may, by notification, for sufficient cause direct, that the term so extended be further extended for such period not exceeding two months or be reduced by such period as may be specified in the notification and the Government, may, in the like manner, cancel or modify any such notification.]

(2) In regard to the next ordinary election to be held thereafter to the municipal councils (other than the Coimbatore Municipal Council) referred to in sub-section (1), the provisions of section 8 of the said 1920 Act, as amended by this Act, shall, so far as may be, apply.

41. Every notification issued under section 39 or section 40, shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature and if before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such notification or both Houses agree that the notification should not be issued, the 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 notification.

---

1 This proviso was substituted for the following proviso by section 2(ii) of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1974 (Tamil Nadu Act 40 of 1974):—

"Provided that the Government may, by notification, for sufficient cause direct, that the term so extended be reduced by such period as may be specified in the notification, and the Government may, in the like manner, cancel or modify any such notification."

2 These words and brackets were substituted for the words "municipal councils "by section 2(2) of the Tamil Nadu District Municipal Councillors (Extension of Term of Office) Act, 1975 (Tamil Nadu Act 38 of 1975), which was deemed to have come into force on the 30th June 1975."
SCHEDULE I.

(See section 34.)

[The amendments made in Schedule I have already been incorporated in the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919).]

SCHEDULE II.

TRANSITIONAL PROVISIONS.

(See section 35.)

1. The central committee, the corporation accounts committee, the contracts committee, the licence appeals committee and all circle committees constituted under the provisions of the 1919 Act are hereby abolished with effect from the commencement of this Act; and the council shall, within a period of fifteen days from the date of the commencement of this Act, elect the members to the standing committees in accordance with such procedure as the State Government may, by order, specify in this behalf; and the standing committees constituted in accordance with the provisions of the 1919 Act, as amended by this Act, shall elect their chairmen, as soon as may be, after the election of the members of the standing committees, in accordance with such procedure as the State Government may, by order, specify in this behalf.

2. Any reference to a central committee, a corporation accounts committee, a contracts committee, a licence appeals committee and the circle committees, constituted or established under the 1919 Act or the chairman or member of such committee, contained in any enactment in force in the State of Tamil Nadu or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said State, shall, after the commencement of this Act, be construed as a reference to the standing committee or the chairman, or member of such committee as the circumstances of the case may require:
Provided that it shall be open to the council to direct that any such reference shall be construed as a reference to itself or to such other authority or person as may be specified by it by resolution.

3. All proceedings pending before any such central committee, the corporation accounts committee, the contracts committee, the licence appeals committee and all the circle committees at the commencement of this Act may, in so far as they are not inconsistent with the provisions of the 1919 Act, as amended by this Act, be continued under the 1919 Act as so amended, by the standing committee to which the subject-matter of the proceedings relate to or if the council so directs in any case or class of cases by the council.

4. Any order passed, action taken or thing done by a central committee, a corporation accounts committee, a contracts committee, a licence appeals committee, or the circle committees before the commencement of this Act shall, subject to the provisions of the 1919 Act, as amended by this Act and to such directions as the council may, by general or special order, give in this behalf, be deemed to have been passed, taken or done by the council, or the concerned standing committee as the circumstances may require unless and until the same is superseded by such council, or the concerned standing committee.
Madras City Municipal Corporation Laws (Amendment)

TAMIL NADU ACT No. 34 of 1973.*


[Received the assent of the Governor on the 29th November 1973, first published in the Tamil Nadu Government Gazette Extraordinary on the 29th November 1973 [Karthigai 14, Piramathisa (2004—Tiruvalluvar Andu)].

An Act further to amend the Madras City Municipal Corporation Laws.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fourth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Madras City Municipal Corporation Laws (Amendment) Act, 1973.

(2) Clause (i) of section 4 shall be deemed to have come into force on the 6th October 1973 and the rest of this Act shall come into force at once.

2-4. [The amendments made by these sections have already been incorporated in the principal Acts, namely, the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) and the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 22 of 1971).]

5. Notwithstanding anything contained in the principal Act or in the Amendment Act, all members of the corporation as well as the Mayor and the Deputy Mayor (including councillors who are members of the committees established or constituted by or under the principal Act) holding office on the date of the publication of this Act in the Tamil Nadu Government Gazette, shall be deemed to have vacated their offices on the 30th November 1973 and fresh elections shall be held in accordance with the provisions of the principal Act as amended by this Act.

6. (1) The Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of Term of Office) (Amendment) Ordinance, 1973 (Tamil Nadu Ordinance 7 of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act or the Amendment Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act or the Amendment Act as amended by this Act, as if clause (i) of section 4 had come into force on the 6th October 1973.

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 24th November 1973, Part IV—Section 3, Page 283.
PRESIDENT’S ACT NO. 13 OF 1976.*

THE MADRAS CITY MUNICIPAL CORPORATION (AMENDMENT) ACT, 1976.

[Received the assent of the President on the 16th April 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 17th April 1976 (Chithirai 5, Nala (2007–Tiruvalluvar Andu)].

Enacted by the President in the Twenty-seventh Year of the Republic of India.

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

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1976. [Short title and commencement.]

(2) It shall be deemed to have come into force on the 29th day of November 1975.

2. In section 55-B of the Madras City Municipal Amendment Corporation Act, 1919 (Tamil Nadu Act IV of 1919) of section 55-B, the words “within a period of one year”, the words “within a period of two years” shall be substituted.

3. (1) The Madras City Municipal Corporation Repeal and (Amendment) Ordinance, 1976 (Tamil Nadu Ordinance 5 of 1976), is hereby repealed.

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

*For Reasons for the enactment, see Tamil Nadu Government Gazette Extraordinary, dated the 17th April 1976, Part IV—Section 2, Page 144.
PRESIDENT’S ACT NO. 22 OF 1976.*

THE MADRAS CITY MUNICIPAL CORPORATION, TAMIL NADU DISTRICT MUNICIPALITIES AND TAMIL NADU PANCHAYATS (AMENDMENT) ACT, 1976.

[Received the assent of the President on the 31st May 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 1st June, 1976 (Vaikasi 19, Nala (2007—Tiruvalluvar Andu)).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Madras City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Panchayats Act, 1958.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation, Tamil Nadu District Municipalities and Tamil Nadu Panchayats (Amendment) Act, 1976.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in section 135, in clause (b), for items (i), (ii) and (iii) and the entries relating thereto, the following shall be substituted, namely:—

"(i) Sale of immovable property. The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority

*For Reasons for the enactment, see Tamil Nadu Government Gazette Extraordinary, dated the 1st June 1976, Part IV—Section 2, Pages 207—208.
under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.

(ii) Exchange of immovable property. The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.

(iii) Gift of immovable property. The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.”.

Amendment of 3. In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), in section 116-A, in clause (b), for items (i), (ii) and (iii) and the entries relating thereto, the following shall be substituted, namely:—

“(i) Sale of immovable property. The market value of the property as set forth in the instrument, and in a case where the market
value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.

(ii) Exchange of immovable property. The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.

(iii) Gift of immovable property. The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority."

4. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]
PRESIDENT'S ACT NO. 23 OF 1976.*

THE TAMIL NADU LOCAL AUTHORITIES' LAWS (AMENDMENT) ACT, 1976.

[Received the assent of the President on the 31st May 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 1st June 1976 (Vaikasi 19, Nala (2007—Tiruvalluvar Andu)).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Tamil Nadu Local Authorities' Laws.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:

1. (1) This Act may be called the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1976.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919),—

(i) in section 111, after sub-section (3), the following sub-section shall be inserted, namely:

"(4) Nothing contained in this section shall apply to any person subject to the Army Act, 1950 (40 of 1950), the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950) who is compelled by the exigencies of military, naval or air force duty to reside within the limits of the City."

(ii) after section 115, the following section shall be inserted, namely:

"115-A. Deduction of profession tax from salary or wages or other sum.—(1) Every employer shall, on receipt of a requisition from the commissioner, deduct
from the salary or wages of any person employed by the employer as an officer or a servant or from any sum payable by the employer to any person employed by the employer as dubash, agent, supplier or contractor, such amount of profession tax, as may be specified in such requisition, as being due from such employed person.

Explanation.—In this sub-section, “employer” includes the head or secretary or manager of any public or private office, hotel, boarding house, club, firm or company.

(2) Every person responsible for making any deduction under sub-section (1) may, at the time of making the deduction, increase or reduce the amount to be deducted under sub-section (1) for the purpose of adjusting any excess or deficiency arising out of any previous deduction or failure to deduct during the half-year.

(3) Any deduction made in accordance with the provisions of sub-sections (1) and (2) and paid to the corporation shall be treated as a payment of profession tax on behalf of the person from whose salary or wages the deduction was made or on behalf of the person to whom the sum from which the deduction was made is payable, and credit shall be given to him for the amount so deducted on the production of the certificate furnished under sub-section (5) in respect of the profession tax, if any, due from that person for the relevant half-year under this Act.

(4) Any sum deducted in accordance with the provisions of sub-sections (1) and (2) shall be paid within the prescribed time to the credit of the corporation.

(5) Every person making the deduction under sub-section (1) or sub-section (2) shall, at the time of payment of the salary or wages or sum, furnish to the persons to whom such payment is made a certificate to the effect that profession tax has been deducted, and specifying the amount so deducted and such other particulars as may be prescribed.

(6) Where profession tax due from any employed person is deducted under sub-section (1) or sub-section (2), the person from whose salary or wages the
(7) Every person making the deduction under sub-section (1) or sub-section (2) shall prepare and, within such period as may be prescribed after the expiry of the half-year, deliver or cause to be delivered to the commissioner in the prescribed form and verified in the prescribed manner, a return in writing showing the name and residential address of every person from whose salary or wages deduction was made under sub-section (1) or subsection (2), and of every person to whom the sum from which such deduction was made is payable, the amount so deducted, and the half-year to which the deduction relates.

(8) If any person responsible for making any deduction under sub-section (1) or sub-section (2) fails to comply with any of the provisions of this section, he shall be punishable with fine which may extend to five hundred rupees:

Provided that nothing contained in this subsection shall apply to the Central Government or any State Government or any officer of any such Government.

(9) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.

3. In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920),—

(i) in section 93, after sub-section (4), the following sub-section shall be inserted, namely :

“(5) Nothing contained in this section shall apply to any person subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950) who is compelled by the exigencies of military, naval or air force duty to reside within the limits of the municipality.”;
(ii) after section 97, the following section shall be inserted, namely:

"97-A. Deduction of profession tax from salary or wages or other sum.—(1) Every employer shall, on receipt of a requisition from the executive authority, deduct from the salary or wages of any person employed by the employer as an officer or a servant or from any sum payable by the employer to any person employed by the employer as dubash, agent, supplier or contractor, such amount of profession tax, as may be specified in such requisition, as being due from such employed person.

Explanation.—In this sub-section, "employer" includes the head or secretary or manager of any public or private office, hotel, boarding-house, club, firm or company.

(2) Every person responsible for making any deduction under sub-section (1) may, at the time of making the deduction, increase or reduce the amount to be deducted under sub-section (1) for the purpose of adjusting any excess or deficiency arising out of any previous deduction or failure to deduct during the half-year.

(3) Any deduction made in accordance with the provisions of sub-sections (1) and (2) and paid to the municipality shall be treated as a payment of profession tax on behalf of the person from whose salary or wages the deduction was made or on behalf of the person to whom the sum from which the deduction was made is payable, and credit shall be given to him for the amount so deducted on the production of the certificate furnished under sub-section (5) in respect of the profession tax, if any, due from that person for the relevant half-year under this Act.

(4) Any sum deducted in accordance with the provisions of sub-sections (1) and (2) shall be paid within the prescribed time to the credit of the municipality.

(5) Every person making the deduction under sub-section (1) or sub-section (2) shall, at the time of payment of the salary or wages or sum, furnish to the
person to whom such payment is made a certificate to the effect that profession tax has been deducted, and specifying the amount so deducted and such other particulars as may be prescribed.

(6) Where profession tax due from any employed person is deducted under sub-section (1) or sub-section (2), the person from whose salary or wages the deduction was made or the person to whom the sum from which the deduction was made is payable shall not be called upon to pay the tax himself to the extent to which tax has been so deducted.

(7) Every person making the deduction under sub-section (1) or sub-section (2) shall prepare and, within such period as may be prescribed after the expiry of the half-year, deliver or cause to be delivered to the executive authority in the prescribed form and verified in the prescribed manner, a return in writing showing the name and residential address of every person from whose salary or wages deduction was made under sub-section (1) or sub-section (2), and of every person to whom the sum from which such deduction was made is payable, the amount so deducted, and the half-year to which the deduction relates.

(8) If any person responsible for making any deduction under sub-section (1) or sub-section (2) fails to comply with any of the provisions of this section, he shall be punishable with fine which may extend to five hundred rupees:

Provided that nothing contained in this sub-section shall apply to the Central Government or any State Government or any officer of any such Government.

(9) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force."

4. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]

5. [The amendment made by this section has already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]
THE MADRAS CITY MUNICIPAL CORPORATION (SECOND AMENDMENT) ACT, 1976.

[Received the assent of the President on the 28th November 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 29th November 1976 (Karthigai 14, Nala (2007—Tiruvalluvar Andu)).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

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

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:

1. This Act may be called the Madras City Municipal Corporation (Second Amendment) Act, 1976.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in sub-section (1), for the words “within a period of two years”, the words “within a period of three years” shall be substituted.

* For Reasons for the enactment, see Tamil Nadu Government Gazette Extraordinary, dated the 29th November 1976, Part IV—Section 2, Pages 348-349.
Tamil Nadu Act No. 10 of 1978.


[Received the assent of the Governor on the 30th January 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 31st January 1978 (Thai 18, Pinkala (2009-Tiruvalluvar Andu)).]

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

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 29th day of November, 1977.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in sub-section (1),—

(i) for the words “within a period of three years”, the words “within a period of four years” shall be substituted;

(ii) after the proviso, the following proviso shall be added, namely:—

“Provided further that the State Government may, by notification, for sufficient cause direct that the period specified in sub-section (1) shall be reduced by such period, not exceeding six months, as may be specified in such notification.”

3. The Madras City Municipal Corporation (Amendment) Ordinance, 1977 (Tamil Nadu Ordinance 4 of 1977), is hereby repealed.

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 1st September 1978, Part IV—Section 1, Page 419.
TAM IL NADU ACT NO. 11 OF 1978.*


[Received the assent of the Governor on the 30th January 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 31st January 1978 (Thai 18, Pinkala (2009-Tiruvalluvar Andu)).]

An Act further to amend the Tamil Nadu Local Authorities' Laws.

Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1978.

(2) It shall come into force at once.

2. In the Madras City Municipal Corporation Act, Amendment of 1919 (Tamil Nadu Act IV of 1919),—

(i) in section 52,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:

"(1-A) A person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955), shall be disqualified for election or co-option as a councillor for a period of five years from the date of such conviction."

(b) in sub-section (3), for the expressions "sub-section (1)" and "such sentence", the expressions "sub-section (1) or sub-section (1-A)" and "such conviction or sentence" shall respectively be substituted;

(ii) in section 53,—

(a) in sub-section (1), after clause (a), the following clause shall be inserted, namely:

"(aa) is convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955);";

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 3rd January 1978, Part IV—Section 1, Page 12.
Local Authorities' Laws
(Amendment)

(b) in sub-section (2), for the expressions "clause (a) of sub-section (1)" and "such sentence", the expressions "clause (a) or clause (aa) of sub-section (1)" and "such conviction or sentence" shall respectively be substituted;

(c) in sub-section (3), for the expressions "clause (a) or" and "sentence or order" and "sentence", the expressions "clause (a), clause (aa) or" and "conviction, sentence or order" and "conviction or sentence" shall respectively be substituted.

Amendment of sections 49 and 50, Tamil Nadu Act V of 1920.

3. In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920),—

(i) in section 49,—

(a) after sub-section (1), the following sub-section shall be inserted, namely:

"(1-A) A person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955), shall be disqualified for election as a councillor for a period of five years from the date of such conviction.");

(b) in sub-section (3), for the expressions "subsection (1)" and "such sentence", the expressions "subsection (1) or subsection (1-A)" and "such conviction or sentence" shall respectively be substituted;

(ii) in section 50,—

(a) in sub-section (1), after clause (a), the following clause shall be inserted, namely:

"(aa) is convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955);";

(b) in sub-section (2), for the expressions "clause (a) of sub-section (1)" and "such sentence", the expressions "clause (a) or clause (aa) of sub-section (1)" and "such conviction or sentence" shall respectively be substituted;

(c) in sub-section (3), for the expressions "clause (a) of sub-section (1)", "sentence or order" and "sentence", the expressions "clause (a) or clause (aa) of sub-section (1)", "conviction, sentence or order" and "conviction or sentence" shall respectively be substituted.
4. [The amendments made by this section have already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]

5. [The amendments made by this section have already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]
Tamil Nadu Act No. 37 of 1978.*


[Received the assent of the Governor on the 30th September 1978, first published in the Tamil Nadu Government Gazette Extraordinary on the 4th October 1978 (Purattasi 18, Kalayukti (2009—Tiruvalluvar Andu)].


Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of the Republic of India as follows:

PART I.

Preliminary.

1. (1) This Act may be called the Madras City Municipal Corporation and the Madurai City Municipal Corporation (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 26th July 1978.

PART II.

Amendments of the Madras City Municipal Corporation Act, 1919.

2. In sub-section (1) of section 6-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the 1919 Act), for the words "at its first meeting after the election of the Mayor and the Deputy Mayor", the words "on such date as may be notified by the State Government in this behalf" shall be substituted.

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 1st September 1978, Part IV—Section 1, Pages 422—423.
3. In section 28 of the 1919 Act, for sub-section (1), the Amendment of section 28, Tamil Nadu Act IV of 1919.

“(1) The Council shall, at its first meeting after each ordinary election to the Council and at its first meeting after the expiry of two years thereafter—

(i) elect one of its members to be the Mayor; and

(ii) elect one of its members other than the Mayor to be the Deputy Mayor.”.

4. In section 29 of the 1919 Act, for the first paragraph, the following shall be substituted, namely:

“The Mayor or Deputy Mayor shall be entitled to hold office for a period of two years from the date of his election and the Mayor or Deputy Mayor shall continue as such Mayor or Deputy Mayor until the election of his successor, provided that in the meantime he does not cease to be a Councillor.”.

5. In sub-section (7-A) of section 44-A of the 1919 Amendment Act, for the words “five years” occurring in the first paragraph, the words “six years” shall be substituted.

6. In section 55 of the 1919 Act, for the words “five years” occurring in the first paragraph, the words “six years” shall be substituted.

PART III.


7-12. [The amendments made by this Part have already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]

13. (1) The Madras City Municipal Corporation and Repeal, the Madurai City Municipal Corporation (Amendment) Ordinance, 1978 (Tamil Nadu Ordinance 9 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the 1919 Act and the 1971 Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the 1919 Act and the 1971 Act as amended by this Act, as if this Act had come into force on the 26th July 1978.
TAMIL NADU ACT NO. 8 OF 1979.*


[Received the assent of the Governor on the 20th March 1979, first published in the Tamil Nadu Government Gazette Extraordinary on the 21st March 1979 (Panguni 7, Kalayukti (201C-Tiruvalluvar Aandu)].

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

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1979.

   (2) It shall be deemed to have come into force on the 27th November 1978.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the principal Act), in sub-section (1),—

   (i) for the words "within a period of four years", the words "within a period of four years and six months" shall be substituted;

   (ii) in the second proviso, for the words "not exceeding six months", the words "not exceeding three months" shall be substituted.

3. (1) The Madras City Municipal Corporation (Second Amendment) Ordinance, 1978 (Tamil Nadu Ordinance 18 of 1978), is hereby repealed.

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

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 15th February 1979, Part IV—Section 1, Pages 13—14.
(Amendment)

TAMIL NADU ACT NO. 30 OF 1979.*


[Received the assent of the Governor on the 28th May 1979, first published in the Tamil Nadu Government Gazette Extraordinary on the 29th May 1979 (Vaikasi 15, Chitharhi (2010—Tiruvalluvar Andu)).]

An Act further to amend the Tamil Nadu Local Authorities Laws.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Local Authorities’ Laws (Amendment) Act, 1979.

(2) It shall come into force at once.

2. For the sub-heading “Naming Streets and Numbering Buildings” occurring after section 227 of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the 1919 Act), the following sub-heading shall be substituted, namely:—

“Naming streets and numbering buildings, etc.”.

3. In section 228 of the 1919 Act,—

(a) for the marginal heading “Naming or numbering of public streets”, the following marginal heading shall be substituted, namely:—

“Naming or numbering of public streets etc.”;

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

“(1) With the approval of the State Government, the council shall give names or numbers to new public streets and shall also give name to park, playground, bus-stand, arch or new municipal property and may, subject

* For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 24th April 1979, Part IV—Section 1, Pages 259-260.
to the approval of the State Government, alter the name or number of any public street, park, playground, bus-stand, arch or municipal property:

Provided that no such public street, park, playground, bus-stand, arch or municipal property shall be named after a living person irrespective of his status or the office occupied by him.”.

4. For the sub-heading “Naming of streets” occurring after section 188 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) (hereinafter referred to as the 1920 Act), the following sub-heading shall be substituted, namely:

“Naming of streets, etc.”.

5. In section 189 of the 1920 Act,—

(1) for the marginal heading “Naming of public streets”, the following marginal heading shall be substituted, namely:

“Naming of public streets, etc.”;

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

“(1) With the approval of the State Government, the Council shall give names or numbers to new public streets and shall also give name to park, playground, bus-stand, arch or new municipal property and may, subject to the approval of the State Government, alter the name or number of any public street, park, playground, bus-stand, arch or municipal property:

Provided that no such public street, park, playground, bus-stand, arch or municipal property shall be named after a living person irrespective of his status or the office occupied by him.”.

6. [The amendment made by this section has already been incorporated in the principal Act, namely, the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).]

7-8. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]
An Act further to amend the Madras City Municipal Corporation Act, 1919.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Second Amendment) Act, 1979.

(2) It shall be deemed to have come into force on the 30th May 1979.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the principal Act), in sub-section (1),—

(i) for the words “within a period of four years and six months”, the words “within a period of five years and six months” shall be substituted;

(ii) in the second proviso, for the words “not exceeding three months”, the words “not exceeding six months” shall be substituted;

3. (1) The Madras City Municipal Corporation (Amendment) Ordinance, 1979 (Tamil Nadu Ordinance 7 of 1979), is hereby repealed.

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

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 30th October 1979, Part IV—Section 1, Page 396.

125-10—67
Tamil Nadu Act No. 19 of 1980.*


[Received the assent of the Governor on the 28th July 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 28th July 1980 (Adi 19, Rowthiri-2011—Thiruvalluvar Aandu].]

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

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 30th May 1980.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the principal Act) in sub-section (1), for the words within a period of five years and six months, the words “within a period of six years and six months” shall be substituted.

3. (1) The Madras City Municipal Corporation Repeal (Amendment) Ordinance, 1980 (Tamil Nadu Ordinance 6 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 26th June 1980, Part IV—Section 1, pages 104-105.

TAMIL NADU ACT NO. 32 OF 1980.*

THE TAMIL NADU LOCAL AUTHORITIES' LAWS (AMENDMENT) ACT, 1980.

[Received the assent of the Governor on the 8th September 1980, first published in the Tamil Nadu Government Gazette Extraordinary on the 11th September 1980 (Aavani 26, Rowthiri-2011-Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Local Authorities' Laws.

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:—

PART I.

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1980.

(2) It shall come into force at once.

PART II.

AMENDMENTS OF THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Madras City Municipal Corporation Act, Substitution of 1919 (Tamil Nadu Act IV of 1919) (hereinafter in this Tamil Nadu Part referred to as the 1919 Act), for section 47, the follow- ing section shall be substituted, namely:—

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 5th August 1980, Part IV—Section 1, pages 247–248.
47. Electoral rolls for divisional seats and qualification for inclusion therein.—(1) For each of the territorial divisions referred to in section 45, there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.

(2) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of section 71 or any law relating to corrupt practices and other offences in connection with elections.

(3) No person shall be entitled to be registered in the electoral roll for more than one territorial division or in the electoral roll for any territorial division in more than one place.

(4) No person registered in the electoral roll for a territorial division shall be entitled to be registered in the electoral roll for any other territorial division or ward, as the case may be, of any City (other than the City of Madras), municipality or panchayat.

Explanation.—For the purpose of this sub-section, the expressions ‘City’, ‘municipality’ and ‘panchayat’ shall have the meanings respectively assigned to them in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958).
(5) Subject to the provisions of sub-sections (1) to (4), every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in the City,

shall be entitled to be registered in the electoral roll for any one of the territorial divisions referred to in section 45.

Explanation.—For the purpose of this section, “qualifying date” in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(6) (a) A person shall not be deemed to be ordinarily resident in the City on the ground only that he owns, or is in possession of, a dwelling house therein.

(b) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in the City at any relevant time, the question shall be determined by the State Government in accordance with such rules as may be prescribed.”.

3. In section 48 of the 1919 Act, in sub-section (1) for the Explanation, the following shall be substituted, namely :

“Explanation.—The power conferred by this sub-section on the person so authorised, shall include the power to omit, in the manner and at the times aforesaid from the electoral roll for any such division published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (2) of section 47 :
Provided that the name of any person omitted from the electoral roll for the territorial division by reason of a disqualification under clause (c) of sub-section (2) of section 47 shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force removed under any law authorising such removal.”.

4. After section 48 of the 1919 Act, the following sections shall be inserted, namely:

“48-A. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction,—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for the territorial divisions referred to in section 45; or

(b) to question the legality of any action taken by any authority under section 47 or section 48.

48-B. Making false declaration.—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll for the territorial division, or

(b) the inclusion or exclusion of any entry in or from an electoral roll for the territorial division, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.”.

5. For section 50 of the 1919 Act, the following section shall be substituted, namely:

“50. Disqualification of voters.—No person who is of unsound mind and declared so by the competent
court shall be qualified to vote and no person who is disqualified under section 71 shall be qualified to vote so long as the disqualification subsists.”.

6. For sub-section (1) of section 51 of the 1919 Act, the following sub-section shall be substituted, namely:—

“(1) No person shall be qualified for election or co-option as a councillor unless—

(a) his name is included in the electoral roll of any one of the territorial divisions of the City;

(b) he has completed his twenty-first year of age;

and

(c) in the case of co-option under section 5, such person is a member of the Scheduled Caste or the Scheduled Tribe or a woman, as the case may be.”.

PART III.


7. In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) (hereinafter in this Part referred to as the 1920 Act), in section 44,—

(i) for sub-section (1), including the proviso and Explanations (1) and (2) thereto, the following sub-sections shall be substituted, namely:—

“(1) For every municipality there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the State Government may, from time to time, issue in this behalf.
(1-A) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of section 60 or any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any municipality more than once.

(1-C) No person registered in the electoral roll for a municipality shall be entitled to be registered in the electoral roll for another municipality, panchayat or City.

Explanation.—For the purpose of this sub-section, the expressions ‘panchayat’ and ‘City’ shall have the meanings respectively assigned to them in the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958), the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C), every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a municipality,

shall be entitled to be registered in the electoral roll for that municipality.

Explanation.—For the purpose of this section “qualifying date” in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.
(1-E) (a) A person shall not be deemed to be ordinarily resident in a municipality on the ground only that he owns, or is in possession of, a dwelling house therein.

(b) A person, absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in a municipality at any relevant time, the question shall be determined by the State Government in accordance with such rules as may be prescribed.”

(ii) in sub-section (2), for the *Explanation*, the following shall be substituted, namely:—

“*Explanation.—*The power conferred by this subsection on the person so authorised shall include the power to omit, in the manner and at the times aforesaid, from the electoral roll for the municipality published under this subsection, the name of any person who is dead or who incurs any of the disqualifications specified in subsection (1-A):

Provided that the name of any person omitted from the electoral roll for the municipality by reason of a disqualification under clause (c) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.”
(iii) the Explanation, occurring at the end, shall be omitted.

8. After section 44 of the 1920 Act, the following sections shall be inserted, namely:—

"44-A. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a municipality; or

(b) the inclusion or exclusion of any entry in or from an authority under section 44.

44-B. Making false declaration.—If any person makes in connection with—

(a) the preparation, revision or correction, of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

9. For section 47 of the 1920 Act, the following section shall be substituted, namely:—

"47. Disqualification of voters.—Notwithstanding anything contained in sub-section (6) of section 44, no person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 60 shall be qualified to vote so long as the disqualification subsists."

10. For sub-section (1) of section 48 of the 1920 Act, the following sub-section shall be substituted, namely:—

"(1) No person shall be qualified for election as a chairman or as a councillor, unless—

(a) his name is included in the electoral roll of the municipality; and

(b) he has completed his twenty-first year of age."
PART IV.


11. In sub-section (1) of section 12 of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958) (hereinafter in this Part referred to as the 1958 Act), after the proviso, the following proviso shall be inserted, namely:

"Provided further that no person shall be co-opted under this sub-section unless he has completed his twenty-first year of age."

12. In sub-section (4) of section 15 of the 1958 Act, for the words "whose name appears in the electoral roll for the panchayat", the words "whose name appears in the electoral roll for the panchayat and who has completed her twenty-first year of age" shall be substituted.

13. In section 20 of the 1958 Act,—

(i) for sub-section (1) including the proviso and the Explanation thereto, the following sub-section shall be substituted, namely:

"(1) For every panchayat there shall be an electoral roll which shall be prepared in accordance with the provisions of this Act and such directions not inconsistent with the provisions of this Act as the Government may, from time to time, issue in this behalf.

(1-A) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of section 20 or any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any panchayat more than once.

(1-C) No person registered in the electoral roll for a panchayat shall be entitled to be registered in the electoral roll for another panchayat, municipality or City.
Explanation.—For the purpose of this sub-section, the expressions 'municipality' and 'City' shall have the meanings respectively assigned to them in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C), every person who—

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a panchayat village or panchayat town or township,

shall be entitled to be registered in the electoral roll for that panchayat.

Explanation.—For the purpose of this section, “qualifying date” in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(1-E) (a) A person shall not be deemed to be ordinarily resident in a panchayat village or panchayat town or township, on the ground only that he owns, or is in possession of a dwelling house therein.

(b) A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in a panchayat village or panchayat town or township at any relevant time, the question shall be determined by the Government in accordance with such rules as may be prescribed.

(ii) in sub-section (2), for the Explanation, the following shall be substituted, namely:

“Explanation.—The power conferred by this sub-section on the person so authorised, shall include the power
to omit, in the manner and at the times aforesaid, from the electoral roll for the panchayat published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (1-A):

Provided that the name of any person omitted from the electoral roll for the panchayat by reason of a disqualification under clause (c) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

(iii) the Explanation occurring at the end shall be omitted.

14. After section 20 of the 1958 Act, the following sections shall be inserted, namely:

"20-A. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction—

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a panchayat; or

(b) to question the legality of any action taken by any authority under section 20.

20-B. Making false declaration.—If any person makes in connection with

(a) the preparation, revision or correction of an electoral roll, or

(b) the inclusion or exclusion of any entry in or from an electoral roll,

a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both."

15. For section 22 of the 1958 Act, the following section shall be substituted, namely:

"22. Qualification of candidates.—No person shall be qualified for election as—

(a) a member or president of a panchayat unless—

(i) his name appears on the electoral roll for the panchayat; and
(ii) he has completed his twenty-first year of age; or

(b) chairman of a panchayat union council unless—

(i) his name appears on the electoral roll for any one of the panchayats or townships comprised in the panchayat union; and

(ii) he has completed his twenty-first year of age.”.

16. After section 24 of the 1958 Act, the following section shall be inserted, namely:—

“24-A. Disqualification of voters.—No person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 24 shall be qualified to vote so long as the disqualification subsists.”.

17. In section 36-A of the 1958 Act, in sub-section (1), in clause (b), in the third proviso, item (i) shall be re-numbered as item (i-A), and before the item (i-A) as so renumbered, the following item shall be inserted, namely:—

“(i) unable to read and write in Tamil; or”.

PART V.


18-21. [The amendments made by these sections have already been incorporated in the principal Act, namely, the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).]
TAMIL NADU ACT NO. 17 OF 1981.*

THE MADRAS CITY MUNICIPAL CORPORATION (AMENDMENT) ACT, 1981.

[Received the assent of the Governor on the 19th March 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 21st March 1981 (Panguni 8, Rowthiri—2012-Thiruvalluvar Aandu).]

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

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1981. Short title and commencement.

(2) It shall come into force at once.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in sub-section (1), for the words “within a period of six years and six months”, the words “within a period of seven years and six months” shall be substituted.
Tamil Nadu Act No. 18 of 1982.


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

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows:

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1982.

   (2) It shall come into force at once.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in sub-section (1), for the words “within a period on seven years and six months”, the words “within a period of eight years and six months” shall be substituted.

*For Statement of Objects and Reasons, see Tamil Nadu Government Gazette Extraordinary, dated the 18th March 1982, Part IV, Section I, Pages 120-121.*
THE TAMIL NADU ACT NO. 13 OF 1983.*

THE MADRAS CITY MUNICIPAL CORPORATION (AMENDMENT) ACT, 1983.

[Received the assent of the Governor on the 14th March 1983, first published in the Tamil Nadu Government Gazette Extraordinary on the 17th March 1983 (Panguni 3, Thunthubhi; Thiruvalluvar Aandu-2014).]

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

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1983.

(2) It shall come into force at once.

2. In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in sub-section (1), for the words “within a period of eight years and six months”, the words “within a period of nine years and six months” shall be substituted.

* For Statement of Objects and Reasons, See Tamil Nadu Government Gazette Extraordinary, dated the 4th March 1983, Part IV—Section 1, pages 103-104.
The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 30th March, 1985 and is hereby published for general information:

**ACT No. 5 OF 1985.**

*An Act further to amend the Madras City Municipal Corporation Act 1919.*

Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows:

1. **Short title and commencement.**—(1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1985.

   (2) It shall be deemed to have come into force on the 1st May, 1984.

2. **Amendment of section 55-B, Tamil Nadu Act IV.**
   In section 55-B of the Madras City Municipal Corporation (Tamil Nadu Act IV of 1919) (hereinafter referred to as the principal Act), in sub-section (1), for the words “within a period of nine years and six months”, the words “within a period of eleven years” shall be substituted.

3. **Repeal and saving.**—(1) The Madras City Municipal Corporation (Second Amendment) Ordinance, 1984 (Tamil Nadu Ordinance 19 of 1984) is hereby repealed.

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

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 20th July 1985 and is hereby published for general information:

ACT No. 32 OF 1985.

An Act further to amend the laws relating to Municipal Corporations and Municipalities.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows:

PART I.

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1985.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. Substitution of section 97, Tamil Nadu Act IV of 1919.—For section 97 of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the following section shall be substituted, namely:

"97. Power of State Government to transfer officers and servants of the corporations or municipalities.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government shall have power—

(a) to transfer any officer or servant of the corporation to the service of the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or any other municipal corporation constituted under any law for the time being in force; or
(b) to transfer any officer or servant of the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or any other municipal corporation constituted under any law for the time being in force, to the service of the corporation; or

(c) to transfer any officer or servant of the corporation to the service of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or

(d) to transfer any officer or servant of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), to the service of the corporation.

(2) The State Government shall have power to issue such general or special directions as they may deem necessary for the purpose of giving due effect to any transfer made under sub-section (1).

PART III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. Substitution of section 73-A, Tamil Nadu Act V of 1920.—For section 73-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the following section shall be substituted, namely:

"73-A. Power of State Government to transfer officers and servants of municipalities or corporations.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government shall have power—

(a) to transfer any officer or servant of a municipality to the service of the Municipal Corporation of Madras constituted under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or any other municipal corporation constituted under any law for the time being in force; or
(b) to transfer any officer or servant of any of the municipal corporation referred to in clause (a), to the service of any municipality; or

(c) to transfer any officer or servant of any municipality to the service of any other municipality.

(2) The State Government shall have power to issue such general or special directions as they may deem necessary for the purpose of giving due effect to any transfer made under sub-section (1).

PART IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. Substitution of section 114, Tamil Nadu Act 15 of 1971.—For section 114 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the following section shall be substituted, namely:—

"114. Power of Government to transfer officers and servants of the corporation or municipalities.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government shall have power—

(a) to transfer any officer or servant of the corporation to the service of the Municipal Corporation of Madras constituted under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or any other municipal corporation constituted under any law for the time being in force; or

(b) to transfer any officer or servant of the Municipal Corporation of Madras constituted under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or any other municipal corporation constituted under any law for the time being in force, to the service of the corporation; or

(c) to transfer any officer or servant of the corporation to the service of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or
(d) to transfer any officer or servant of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), to the service of the corporation.

(2) The Government shall have power to issue such general or special directions as they may deem necessary for the purpose of giving due effect to any transfer made under sub-section (1). 

PART V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. Substitution of section 116, Tamil Nadu Act 25 of 1981.—For section 116 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), the following section shall be substituted, namely:

"116. Power of Government to transfer officers and servants of the corporation or municipalities.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government shall have power—

(a) to transfer any officer or servant of the corporation to the service of the Municipal Corporation of Madras constituted under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or any other municipal corporation constituted under any law for the time being in force; or

(b) to transfer any officer or servant of the Municipal Corporation of Madras constituted under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or any other..."
municipal corporation constituted under any law for the time being in force, to the service of the corporation; or

(c) to transfer any officer or servant of the corporation to the service of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or

(d) to transfer any officer or servant of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), to the service of the corporation.

(2) The Government shall have power to issue such general or special directions as they may deem necessary for the purpose of giving due effect to any transfer made under sub-section (1).

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 8th February 1986 and is hereby published for general information:—

**ACT No. 5 OF 1986**

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

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 27th November 1985.

2. **Amendment of section 55-B, Tamil Nadu Act IV of 1919.**— In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the principal Act), in sub-section (1), for the words "within a period of eleven years", the words "within a period of eleven years and six months" shall be substituted.

3. **Repeal and saving.**—(1) The Madras City Municipal Corporation (Second Amendment) Ordinance, 1985 (Tamil Nadu Ordinance 8 of 1985) is hereby repealed.

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

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 20th May 1986 and is hereby published for general information:—

ACT No. 32 OF 1986.

An Act further to amend the laws relating to Municipal Corporation and Municipalities.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

PART I.

PRELIMINARY.

I. Short title and commencement.—(1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1986.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPAL CORPORATION ACT, 1919.

2. Amendment of section 44-A, Tamil Nadu Act IV of 1919.—In section 44-A of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), after sub-section (5), the following sub-section shall be inserted, namely:—

"(5-A) (a) Where a person is appointed under clause (b) of sub-section (5), the State Government may appoint an advisory board to advise such person in the exercise of his powers and performance of his functions under the said clause (b) and the advisory board shall consist of the following members, namely:—

(1) Members of the State Legislative Assembly and Members of the House of the People chosen to represent the constituencies comprising any part of the City;

(2) Members of the State Legislative Council and Members of the Council of States who are ordinarily resident in the City;

(3) Such number of persons not exceeding fifteen as the State Government may nominate.

(A Group) IV-2 Ex. (252)—2
(b) The State Government shall publish in the Tamil Nadu Government Gazette the names of all the members of the advisory board.

(c) The meetings of the advisory board and procedure to be followed therein shall be regulated in such manner as may be prescribed.

(d) The term of office of the members of the advisory board shall be such as may be prescribed.

PART III.

AMENDMENT TO THE TAMIL NADU DIRECT MUNICIPALITIES, ACT, 1920.

3. Amendment of section 7, Tamil Nadu Act V of 1920.—In the Tamil Nadu, District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), in section 7, after sub-section (2), the following sub-section shall be inserted, namely:

"(2-A) Every member of the State Legislative Assembly representing a constituency comprising the whole or any part of the municipality and every member of the State Legislative Council who is ordinarily resident in the municipality shall be entitled to take part in the proceedings of the council but shall not be entitled to vote therein:

Provided that nothing contained in this sub-section shall be deemed to disentitle a member of the State Legislative Assembly representing a constituency comprising the whole or any part of a municipality or any member of the State Legislative Council who is ordinarily resident in a municipality, who has been elected as a councillor, or chairman, of his right to vote."

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 27th November 1966 and is hereby published for general information:—

ACT No. 62 OF 1986.

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

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Madras City Municipal Corporation (Second Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 30th May 1986.

2. Amendment of section 55-B, Tamil Nadu Act IV of 1919.—In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereinafter referred to as the principal Act), in sub-section (1), for the words "within a period of eleven years and six months", the words "within a period of twelve years and six months" shall be substituted.

3. Repeal and saving.—(1) The Madras City Municipal Corporation (Second Amendment) Ordinance, 1986 (Tamil Nadu Ordinance 1 of 1986) is hereby repealed.

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

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 27th November 1986 and is hereby published for general information:—

**ACT No. 65 OF 1986.**

*An Act further to amend the laws relating to Municipal Corporations and Municipalities.*

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

**PART I.**

**PRELIMINARY.**

1. **Short title and commencement.**—(1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 1st June 1986.

**PART II**

**AMENDMENTS TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.**

2. **Insertion of new section 96-A in Tamil Nadu Act IV of 1919.**—After section 96 of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the following section shall be inserted, namely:—

"96-A. Teachers (including headmasters) and other persons employed in connection with the corporation schools to be Government servants.—

(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, on and from the 1st June 1986,—

(a) all teachers (including headmasters), and

(b) all officers and servants of the corporation,

employed in connection with the corporation schools shall become whole-time Government servants.

(2) Notwithstanding anything contained in this Act and subject to the provisions of Article 311 of the Constitution, the State Government may make rules regulating the conditions of service of the teachers (including headmasters) and other persons referred to in sub-section (1)."
PART III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. Insertion of new section 77-AA in Tamil Nadu Act V of 1920.—After section 77-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the following section shall be inserted, namely:

"77-AA. Teachers (including headmasters) and other persons employed in connection with the municipalities schools to be Government servants.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, on and from the 1st June 1986,—

(a) all teachers (including headmasters), and

(b) all officers and servants of the municipal councils, employed in connection with the municipal schools shall become whole-time Government servants.

(2) Notwithstanding anything contained in this Act and subject to the provisions of Article 311 of the Constitution, the State Government may make rules regulating the conditions of service of the teachers (including headmasters) and other persons referred to in sub-section (1)."

PART IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. Insertion of new section 113-A in Tamil Nadu Act 15 of 1971.—After section 113 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the following section shall be inserted, namely:

"113-A. Teachers (including headmasters) and other persons employed in connection with the corporation schools to be Government servants.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, on and from the 1st June 1986,—

(a) all teachers (including headmasters), and

(b) all officers and servants of the corporation, employed in connection with the corporation schools shall become whole-time Government servants.
(2) Notwithstanding anything contained in this Act and subject to the provisions of Article 311 of the Constitution, the Government may make rules regulating the conditions of service of the teachers (including headmasters) and other persons referred to in sub-section (1)."

PART V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. Insertion of new section 115-A in Tamil Nadu Act 25 of 1981.— After section 115 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), the following section shall be inserted, namely:

"115-A. Teachers (including headmasters) and other persons employed in connection with the corporation schools to be Government servants.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, on and from the 1st June 1986,—

(a) all teachers (including headmasters), and
(b) all officers' and servants of the corporation, employed in connection with the corporation schools shall become whole-time Government servants.

(2) Notwithstanding anything contained in this Act and subject to the provisions of Article 311 of the Constitution, the Government may make rules regulating the conditions of service of the teachers (including headmasters) and other persons referred to in sub-section (1)."

PART VI.

SPECIAL PROVISIONS IN RESPECT OF TOWNSHIP SCHOOLS.

6. Teachers (including headmasters) and other persons employed in connection with the township schools to be Government servants.—

(1) Notwithstanding anything contained in the Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940), the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954), the Bhavanisagar Township Act, 1954 (Tamil Nadu Act XXV of 1954) or in any other law for the time being in force, on and from the 1st June 1986,—

(a) all teachers (including headmasters), and
(b) all officers and servants of the townships, employed in connection with the township schools shall become whole-time Government servants.

(A Group) IV-2 Ex. (701)—2
(2) Notwithstanding anything contained in the Acts or law mentioned in sub-section (1) and subject to the provisions of Article 311 of the Constitution, the State Government may make rules regulating the conditions of service of the teachers (including headmasters) and other persons referred to in sub-section (1).

7. Repeal and savings. —(1) The Tamil Nadu Municipal Laws (Second Amendment) Ordinance, 1986 (Tamil Nadu Ordinance 3 of 1986) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance or under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), as amended by the said Ordinance, shall be deemed to have been done or taken under this Act or under the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), as the case may be, as amended by this Act.

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th May 1987 and is hereby published for general information:

**ACT No. 14 OF 1987**

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Thirty-eighth Year of the Republic of India as follows:

**PART I.**

PRELIMINARY.

1. Short title and commencement.—(1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Amendment) Act, 1987.

   (2) It shall come into force at once.

**PART II.**

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. Amendment of section 55-B, Tamil Nadu Act IV of 1919.—In section 55-B of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), in sub-section (1), for the words "within a period of twelve years and six months", the words "within a period of thirteen years and six months" shall be substituted.

**PART III.**

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. Amendment of section 62-A, Tamil Nadu Act 15 of 1971.—In sub-section (1), of section 62-A of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), for the words "within a period of three years", the words "within a period of
PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. Amendment of Schedule VII to Tamil Nadu Act 25 of 1981.-- In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), in sub-rule (a) of rule 4, for the words "within a period of six years", the words "within a period of seven years" shall be substituted.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

An Act

Be it enacted by the Tamil Nadu Assembly in the fourteenth year of the Republic of India as follows:

1. Short title.

2. Repeal.

3. Revocable licenses.


5. Repeal.


This Act may be called the Tamil Nadu Public Employment Act, 1987.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th February 1989 and is hereby published for general information:

ACT No. 5 OF 1989.

An Act to make special provisions for holding elections to the City Municipal Corporations in the State of Tamil Nadu and further to amend the Tamil Nadu Municipal Corporation Laws.

WHEREAS a policy decision has been taken by the State Government that the elections to the Municipal Corporations of Madras, Madurai and Coimbatore will be held during April-May 1989;

AND WHEREAS the Municipal Corporation Laws provide eighteen years as the minimum age for voting;

AND WHEREAS no electoral roll has been prepared in accordance with the said laws;

AND WHEREAS the preparation of new rolls with eighteen years as the minimum age for voting may take a long time;

AND WHEREAS in order to complete the process of elections to the said Municipal Corporations, there is no other alternative except to hold the elections on the basis of the electoral rolls for the territorial constituencies of the Tamil Nadu Legislative Assembly as relate to the division or ward of the said Municipal Corporations;

AND WHEREAS it is considered necessary to make suitable provision in this regard and for certain other connected matters;

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Special Provisions and Amendment) Act, 1989.

(2) It shall come into force at once.

PART II.

SPECIAL PROVISIONS.

2. (1) Elections to the Municipal Corporations of Madras, Madurai and Coimbatore shall be held during April-May 1989, on such date or dates as the State Government may specify in this behalf, and for the purpose of holding such elections, the electoral rolls shall, notwithstanding anything to the contrary contained in the Madras City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, be prepared in accordance with the provisions of sub-sections (2) and (3).

(2) Every person whose name has been included in such part, as relates to any of the division or ward, as the case may be, in the City of Madras, Madurai or Coimbatore of the electoral roll for any territorial constituency of Tamil Nadu Legislative Assembly for which elections were held, or were to be held, on the 25th January 1989, and every other person who was qualified as on the 1st January 1989, to be included in such part of the electoral roll but was not so included for any reason whatsoever, shall be entitled to be included in the respective electoral roll to be prepared for the elections to be held under this section and no other person shall be entitled to be included in such roll.
Explanation I. Where in the case of any territorial constituency of the Tamil Nadu Legislative Assembly there is no distinct part of the electoral roll relating to a division or ward, every person whose name has been included and every person who was qualified to be included in such roll under the registration area comprising that division on ward and whose address is situated in such division or ward, shall be entitled to be included in the electoral roll for the division or ward prepared for the elections to be held under this section.

Explanation II. No person’s name shall be included in the electoral roll for more than one division or ward or in the electoral roll for any division or ward in more than one place.

(3) Any person authorised in this behalf by the State Government shall, for the purpose of this section, prepare in accordance with the provisions of this section and such directions not inconsistent with the provisions of the Madras City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as the case may be, as the State Government may, from time to time, issue in this behalf and publish, in such manner and at such times as the State Government may direct, the electoral roll for each of the division or ward comprised in the concerned City or the alterations to such roll, as the case may be.

Explanation. The power conferred by this sub-section on the person so authorised shall include the power to omit, in the manner and at the times aforesaid, from the electoral roll for any such division or ward published under this sub-section, the name of any person who is dead or who is disqualified to be included in such part of the electoral roll for any territorial constituency of the Tamil Nadu Legislative Assembly as relates to that division or ward.

(4) Save as otherwise provided in the foregoing sub-sections, the provisions of the Madras City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, relating to the elections to the Municipal Corporations of Madras, Madurai and Coimbatore, respectively (including the provisions relating to the preparation and publication of the electoral rolls), shall apply to the elections to be held under this section.

PART III.

AMENDMENTS TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

Amendment of section 28.

3. In the Madras City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), in section 28, in sub-section (1), for the words “two years”, the words “one year” shall be substituted.

Amendment of section 29.

4. In section 29 of the 1919 Act, in the first paragraph, for the words “two years”, the words “one year” shall be substituted.

Amendment of section 44-A.

5. In sub-section (7-A) of section 44-A of the 1919 Act, in the first paragraph, for the words “six years”, the words “five years” shall be substituted.

Amendment of section 55.

6. In section 55 of the 1919 Act, in the first paragraph, for the words “six years”, the words “five years” shall be substituted.
PART IV.

AMENDMENTS TO THE NAGERHOWL CITY MUNICIPAL CORPORATION ACT, 1971.

7. In the Nagerhowl City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), in section 29, in sub-section (1), in the opening portion, for the words "two years", the words "one year" shall be substituted.

8. In section 29A of the 1971 Act, in the opening portion, after the words "the council shall elect", the words "in each year" shall be inserted.

9. In section 30 of the 1971 Act, in subsection (1),

(i) for the words "two years", the words "one year" shall be substituted;

(ii) in the proviso, for the words "two years" the words "one year" shall be substituted.

10. In sub-section (8) of section 48 of the 1971 Act, in the first paragraph, for the words "six years", the words "five years" shall be substituted.

11. In section 61 of the 1971 Act, in the first paragraph, for the words "six years", the words "five years" shall be substituted.

12. In sub-section (1) of section 62A of the 1971 Act, the following proviso shall be added, viz.,

"Provided that the Government may, by notification, for sufficient cause, direct that the said period be extended or reduced by such period not exceeding six months as may be specified in such notification."

PART V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

13. In the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), in section 29, in sub-section (1), in the opening portion, for the words "two years", the words "one year" shall be substituted.

14. In section 30 of the 1981 Act, in sub-section (1) and in the proviso there to, for the words "two years", occurring at two places, the words "one year" shall be substituted.

15. In sub-section (8) of section 50 of the 1981 Act, in the first paragraph, for the words "six years", the words "five years" shall be substituted.

16. In section 63 of the 1981 Act, in the first paragraph, for the words "five years", the words "five years" shall be substituted.

(By order of the Governor)

P. J. JAYASINGH PETER,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th May 1989 and is hereby published for general information:


This Act, further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act, 1989.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919—

(1) for the expression "on a day within a period of fourteen years and six months from the 30th day of November, 1974", the expression "on or before the 30th day of September, 1989" shall be substituted;

(2) both the provisos shall be omitted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corporation Act, 1971—

(1) for the expression "on a day within a period of five years from the date of appointment of the Special Officer", the expression "on or before the 30th day of September, 1989" shall be substituted;

(2) the proviso shall be omitted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in sub-rule (a) of rule 4—

(1) for the expression "on a day within a period of eight years from the date of the appointment of such person", the expression "on or before the 30th day of September, 1989" shall be substituted;

(2) the proviso shall be omitted.

PART V.

AMENDMENT TO THE TAMIL NADU MUNICIPAL CORPORATION LAWS (SPECIAL PROVISIONS AND AMENDMENT) ACT, 1988.

5. In the Tamil Nadu Municipal Corporation Laws (Special Provisions and Amendment) Act, 1988; section 2 shall be omitted.

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th May 1989 and is hereby published for general information:

ACT No. 15 OF 1989.

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Third Amendment) Act, 1989.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 5 of the Madras City Municipal Corporation Act, 1919,—

(1) in sub-section (1), for the words "Subject to the provisions of sub-section (4), the council shall consist of one hundred and fifty councillors elected", the words "The council shall consist of one hundred and fifty councillors elected and fifteen councillors co-opted" shall be substituted.

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

"(2) Among the elected members of the council, twenty members shall be members of the Scheduled Castes and Scheduled Tribes and fifteen members shall be women and the State Government may, by notification, from time to time, specify in accordance with such rules as may be prescribed, the divisions in respect of which such members of the Scheduled Castes and Scheduled Tribes and women are to be elected.

(3) The elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself as councillors, in accordance with such procedure as may be prescribed,—

(i) five persons belonging to Scheduled Castes and Scheduled Tribes;

and

(ii) ten persons who are women:

Provided that no person shall be co-opted under this sub-section unless such person is eligible for being elected as a councillor from any one of the divisions:

Provided further that the councillors so co-opted shall have all the rights, powers and privileges of an elected councillor."

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In section 5 of the Madurai City Municipal Corporation Act, 1971, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:

"(2) The council shall consist of such number of members as may be determined under sub-section (1) and elected in the manner laid down in this Act and six councillors co-opted in the manner laid down in sub-section (4)."
(3) Among the elected members of the council, eight members shall be members of the Scheduled Castes and Scheduled Tribes and six members shall be women and the Government may, by notification, from time to time, specify in accordance with such rules as may be prescribed, the wards in respect of which such members of the Scheduled Castes and Scheduled Tribes and women are to be elected.

(4) The elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself as councillors, in accordance with such procedure as may be prescribed,

(i) two persons belonging to the Scheduled Castes and Scheduled Tribes; and

(ii) four persons who are women.

Provided that no person shall be co-opted under this sub-section unless such person is eligible for being elected as a councillor from any one of the wards.

Provided further that the councillors so co-opted shall have all the rights, powers and privileges of an elected councillor.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In section 5 of the Coimbatore City Municipal Corporation Act, 1981, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:

"(2) The council shall consist of such number of members as may be determined under sub-section (1) and elected in the manner laid down in this Act and six councillors co-opted in the manner laid down in sub-section (4).

(3) Among the elected members of the council, eight members shall be members of the Scheduled Castes and Scheduled Tribes and six members shall be women and the Government may, by notification, from time to time, specify in accordance with such rules as may be prescribed, the divisions in respect of which such members of the Scheduled Castes and Scheduled Tribes and women are to be elected.

(4) The elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself as councillors in accordance with such procedure as may be prescribed,

(i) two persons belonging to the Scheduled Castes and Scheduled Tribes; and

(ii) four persons who are women.

Provided that no person shall be co-opted under this sub-section unless such person is eligible for being elected as a councillor from any one of the divisions.

Provided further that the councillors so co-opted shall have all the rights, powers and privileges of an elected councillor."
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th November 1989 and is hereby published for general information:

ACT No. 34 OF 1989.

An Act further to amend the laws relating to the Madurai City Municipal Corporation: in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fortieth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Fourth Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 29th September 1989.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919, for the expression “30th day of September 1989”, the expression “31st day of March 1990” shall be substituted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corporation Act, 1971, for the expression “30th day of September 1989”, the expression “31st day of March 1990” shall be substituted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in sub-rule (a) of rule 4, for the expression “30th day of September 1989”, the expression “31st day of March 1990” shall be substituted.

5. (1) The Tamil Nadu Municipal Corporation Laws (Fourth Amendment) Ordinance, 1989 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been done or taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981 as amended by this Act.

(By order of the Governor)

P. JEVASHINGH PETER,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 8th February, 1991 and is hereby published for general information:

**ACT No. 8 OF 1991.**

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

SE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-first Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 26th September, 1990.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919, for the expression "30th day of September 1990", the expression "30th day of April 1991" shall be substituted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corporation Act, 1971, for the expression "30th day of September 1990", the expression "30th day of April 1991" shall be substituted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in sub-rule (a) of rule 4, for the expression "30th day of September 1990", the expression "30th day of April 1991" shall be substituted.

5. (1) The Tamil Nadu Municipal Corporation Laws (Third Amendment) Ordinance, 1990 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been done or taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981 as amended by this Act.

(By order of the Governor)

P. Jeyasigir Peter,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 18th July 1991 and is hereby published for general information:—

ACT No. 18 OF 1991.

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-second Year of the Republic of India as follows:—

PART I.

Preliminary.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act, 1991.
   
   (2) It shall come into force at once.

PART II.

Amendments to the Madras City Municipal Corporation Act, 1919.

2. In the Madras City Municipal Corporation Act, 1919 (hereafter in this part referred to as the 1919 Act), for section 5, the following section shall be substituted, namely:—

   "5. Constitution of the council.—(1) Save as otherwise provided in sub-section (4), the council shall consist of one hundred and fifty-five councillors elected in the manner laid down in this Act.

   (2) Notwithstanding anything contained in sub-section (1) there shall be representation in the council for the members of the Scheduled Castes and the Scheduled Tribes and the number of members representing the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats in the council as the population of the Scheduled Castes and the Scheduled Tribes in the City bears to the total population of the City and if sufficient number of members belonging to the Scheduled Castes and the Scheduled Tribes are not elected to that extent to the council, the elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself the members belonging to the Scheduled Castes and the Scheduled Tribes to that extent as councillors, in accordance with such procedure as may be prescribed.

   Explanation.—For the purpose of this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

   (3) Notwithstanding anything contained in sub-section (1), there shall be, as nearly as may be, thirty per cent representation for women in the council and if sufficient number of women are not elected to that extent to the council, the elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself such number of women, as may be necessary as councillors, in accordance with such procedure as may be prescribed, to ensure that there is thirty per cent representation for women in the council.

   (4) The strength of the council as specified in sub-section (1) shall be deemed to be increased by such number as may be co-opted under sub-sections (2) and (3).
3. In section 53-A of the 1919 Act,—

(1) in sub-section (1),—

(a) for the words "every person who is elected", the words "every person who is elected or co-opted" shall be substituted;

(b) for the expression, "I, A.B., having been elected a councillor", the expression "I, A.B. having been elected a councillor having been co-opted a councillor"

shall be substituted;

(2) in sub-section (2), for the word "elected", the words "elected or co-opted" shall be substituted;

(3) in sub-section (3), for the word "elected", the words "elected or co-opted" shall be substituted.

4. In section 55-A of the 1919 Act, for sub-section (3), the following sub-section shall be substituted, namely:

"(3) A councillor elected at a casual election or co-opted at a casual vacancy of a co-opted councillor shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected or co-opted would have been entitled to hold office if the vacancy had not occurred."

5. In section 58 of the 1919 Act, for the words "elections of councillors", the words "elections or co-options of councillors" shall be substituted.

6. In section 59 of the 1919 Act,—

(1) in the marginal heading, for the word "election", the words "election and co-option" shall be substituted;

(2) in sub-section (1), for the word "elections", the words "elections and co-options" shall be substituted;

(3) in sub-section (2), in clause (b), for the word "elections", the words "elections or co-options" shall be substituted.

PART III.


7. In the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), in section 2, after clause (11), the following clause shall be inserted, namely:

"(11-A) 'councillor' includes a person co-opted to the council as a councillor;"

8. For section 5 of the 1971 Act, the following section shall be substituted, namely:

"5. Constitution of the council.—(1) Save as otherwise provided in sub-section (4), the council shall consist of seventy two councillors elected in the manner laid down in this Act."
(2) Notwithstanding anything contained in sub-section (1), there shall be representation in the council for the members of the Scheduled Castes and the Scheduled Tribes and the number of members representing the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats in the council as the population of the Scheduled Castes and the Scheduled Tribes in the city, bears to the total population of the city and if sufficient number of members belonging to the Scheduled Castes and the Scheduled Tribes are not elected to that extent to the council, the elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself the members belonging to the Scheduled Castes and the Scheduled Tribes to that extent as councillors, in accordance with such procedure as may be prescribed.

Explanation.—For the purpose of this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Notwithstanding anything contained in sub-section (1), there shall be, as nearly as may be, thirty per cent representation for women in the council and if sufficient number of women are not elected to that extent to the council, the elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself such number of women, as may be necessary as councillors, in accordance with such procedure as may be prescribed, to ensure that there is thirty per cent representation for women in the council.

(4) The strength of the council as specified in sub-section (1) shall be deemed to be increased by such number as may be co-opted under sub-sections (2) and (3).

(5) Notwithstanding anything contained in this Act, the provisions relating to the qualification and disqualification of councillors under this Act shall, as far as may be, apply in relation to the councillors co-opted under sub-sections (2) and (3) as they apply to the councillors elected under sub-section (1).

9. In section 35 of the 1971 Act, in sub-section (1), clause (c) shall be omitted.

10. In section 62 of the 1971 Act,—

(1) for sub-section (3), the following sub-section shall be substituted, namely:

"(3) A councillor elected at a casual election or co-opted at a casual vacancy of a co-opted councillor shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected or co-opted would have been entitled to hold office if the vacancy had not occurred;"

(2) sub-sections (4) and (5) shall be omitted.

11. In section 66 of the 1971 Act, in the marginal heading, for the word "election", the words "election and co-option" shall be substituted.

PART IV.

Amendments to the Coimbatore City Municipal Corporation Act, 1981.

12. In the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), in section 2, after clause (12), the following clause shall be inserted, namely:

"(12-A) 'councillor' includes a person co-opted to the council as a councillor;"
13. For section 5 of the 1981 Act, the following section shall be substituted, namely:

"5. Constitution of the council.—(1) Save as otherwise provided in sub-section (4), the council shall consist of seventy two councillors elected in the manner laid down in this Act.

(2) Notwithstanding anything contained in sub-section (1), there shall be representation in the council for the members of the Scheduled Castes and the Scheduled Tribes and the number of members representing the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of seats in the council as the population of the Scheduled Castes and the Scheduled Tribes in the City, bears to the total population of the City and if sufficient number of members belonging to the Scheduled Castes and the Scheduled Tribes are not elected to that extent to the council, the elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself the members belonging to the Scheduled Castes and the Scheduled Tribes to that extent as councillors, in accordance with such procedure as may be prescribed.

Explanation.—For the purpose of this sub-section, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

(3) Notwithstanding anything contained in sub-section (1), there shall be, as nearly as may be, thirty per cent representation for women in the council and if sufficient number of women are not elected to that extent to the council, the elected members of the council shall, at the first meeting of the council after each ordinary election to the council, co-opt to itself such number of women, as may be necessary as councillors, in accordance with such procedure as may be prescribed to ensure that there is thirty per cent representation for women in the council.

(4) The strength of the council as specified in sub-section (1) shall be deemed to be increased by such number as may be co-opted under sub-sections (2) and (3).

(5) Notwithstanding anything contained in this Act, the provisions relating to the qualification and disqualification of councillors under this Act shall, as far as may be, apply in relation to the councillors co-opted under sub-sections (2) and (3) as they apply to the councillors elected under sub-section (1)."

14. In section 57 of the 1981 Act, in sub-section (1), clause (c) shall be omitted.

15. In section 64 of the 1981 Act—

(1) for sub-section (3), the following sub-section shall be substituted, namely:

"(3) A councillor elected at a casual election or co-opted at a casual vacancy of a co-opted councillor shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected or co-opted would have been entitled to hold office if the vacancy had not occurred;"

(2) sub-sections (4) and (5) shall be omitted.

16. In section 68 of the 1981 Act, in the marginal heading, for the word "election"; the words "election and co-option" shall be substituted.

(By order of the Governor.)

P. Jeyasighe Peter,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 19th July 1991 and is hereby published for general information:

ACT No. 21 OF 1991.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-second Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 9th day of April 1991.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919, for the expression "30th day of April 1991", the expression "30th day of September 1991" shall be substituted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corporation Act, 1971, for the expression "30th day of April 1991", the expression "30th day of September 1991" shall be substituted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in sub-rule (a) of rule 4, for the expression "30th day of April 1991", the expression "30th day of September 1991" shall be substituted.

PART V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES (SECOND AMENDMENT AND SPECIAL PROVISIONS) ACT, 1990.

5. In clause (a) of sub-section (3) of section 4 of the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1990, for the expression "for a period of ten months on and from the 24th day of July 1990", the expression "for a period beginning on and from the 24th day of July 1990 and ending at noon on the 30th day of September 1991" shall be substituted.
PART VI.

AMENDMENT TO THE TAMIL NADU MUNICIPAL COUNCILS (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1991.

6. In clause (a) of sub-section (3) of section 3 of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991, for the expression “10th day of April 1991”, the expression “30th day of September 1991” shall be substituted.

7. (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 1991, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Madras City Municipal Corporation Act, 1919, or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981 or the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1980 or the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991, as amended by the said Ordinance, shall be deemed to have been done or taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981 or the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1980 or the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991, as amended by this Act.

(By order of the Governor.)

P. JEYASINGH PETER,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th September 1991 and is hereby published for general information:—

ACT No. 27 OF 1991.

An Act further to amend the Laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-second Year of the Republic of India as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1991.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919, for the expression “30th day of September 1991”, the expression “31st day of March 1992” shall be substituted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.


PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in sub-rule (a) of rule 4, for the expression “30th day of September 1991”, the expression “31st day of March 1992” shall be substituted.

PART V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES (SECOND AMENDMENT AND SPECIAL PROVISIONS) ACT, 1990.

5. In clause (a) of sub-section (3) of section 4 of the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1990, for the expression “30th day of September 1991”, the expression “31st day of March 1992” shall be substituted.
PART VI.

AMENDMENT TO THE TAMIL NADU MUNICIPAL COUNCILS
(APPOINTMENT OF SPECIAL OFFICERS) ACT, 1991.

6. In clause (a) of sub-section (3) of section 3 of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991,—

(1) for the expression "30th day of September 1991", the expression "31st day of March 1992" shall be substituted;

(2) after the proviso, the following proviso shall be inserted, namely:—

"Provided further that the State Government may, by notification, for sufficient cause, reduce the period specified in clause (a)."

(By order of the Governor.)

P. Jeyasinge Peter,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 30th March 1992 and is hereby published for general information:

**ACT No. 14 OF 1992.**

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment Short title Act, 1992.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corpora- Amendment of section tion Act, 1919, for the expression “31st day of March 1992”, the expression “30th day of September 1992” shall be substituted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corpora- Amendment of section tion Act, 1971, for the expression “31st day of March 1992”, the expression “30th day of September 1992” shall be substituted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in sub-rule (a) of rule 4, for the expression “31st day of March 1992”, the expression “30th day of September 1992” shall be substituted.

PART V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES (SECOND AMENDMENT AND SPECIAL PROVISIONS) ACT, 1990.

5. In clause (a) of sub-section (3) of section 4 of the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1990, for the expression “31st day of March 1992”, the expression “30th day of September 1992” shall be substituted.

PART VI.

AMENDMENT TO THE TAMIL NADU MUNICIPAL COUNCILS (APPOINTMENT OF SPECIAL OFFICER:) ACT, 1991.

6. In clause (a) of sub-section (3) of section 3 of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991, for the expression “31st day of March 1992”, the expression “30th day of September 1992” shall be substituted.

(By Order of the Governor.)

MD. ISMAIL,

Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th June 1992 and is hereby published for general information:—


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

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Madras City Municipal Corporation (Amendment) Act, 1992.

(2) It shall come into force at once.

2. In the Madras City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), in section 7,—

(1) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Commissioner and other officers.”;

(2) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

"(1) There shall be a commissioner who shall be appointed by the State Government.

(2) The State Government may appoint such other officers to assist the commissioner as may be necessary.”;

(3) in sub-section (3), for the expression “the commissioner, the assistant commissioners and the personal assistant to the commissioner”, the expression “The commissioner and other officers appointed by the State Government” shall be substituted;

(4) in sub-section (4), for the expression “the commissioner, the assistant commissioners and the personal assistant to the commissioner appointed under sub-section (2)”, the expression “the commissioner and other officers appointed by them” shall be substituted;

(5) in sub-section (5), for the expression “the commissioner, the assistant commissioners and the personal assistant to the commissioner appointed under sub-section (2)”, the expression “the commissioner and other officers appointed by them” shall be substituted.

3. In section 9 of the principal Act,—

(1) in the marginal heading, for the expression “assistant commissioners”, the expression “other officers” shall be substituted;

(2) in sub-section (2), for the expression “the assistant commissioners”, the expression “the other officers appointed by the State Government” shall be substituted;

(3) in sub-section (3),—

(a) in the opening portion, for the expression “where the office of an assistant commissioner is vacant”, the expression “where the office of any of the officers appointed under sub-section (2) of section 7 is vacant” shall be substituted;

(b) in clause (a), for the expression “on the assistant commissioner, or”, the expression “on the said officer, or” shall be substituted;

(c) in clause (b), for the expression “another assistant commissioner”, the expression “any other officer appointed under sub-section (2) of section 7” shall be substituted.
Substitution of section 13.

4. For section 13 of the principal Act, the following section shall be substituted, namely:—

"3. Salary of commissioner and other officers.—The commissioner and other officers appointed by the State Government shall be paid out of the municipal fund such salary and allowances as may, from time to time, be fixed by the State Government."

Amendment of section 15.

5. In section 15 of the principal Act,—

(1) in the marginal heading, for the expression “assistant commissioner and personal assistant to the commissioner”, the expression “and other officers” shall be substituted;

(2) for the expression “or an assistant commissioner or the personal assistant to the commissioner”, the expression “or other officer appointed under section 7”, shall be substituted.

Amendment of section 16.

6. In section 16 of the principal Act, for the expression “the personal assistant to the commissioner”, the expression “to any other officer appointed under sub-section (2) of section 7” shall be substituted.

Amendment of section 16-A.

7. Section 16-A of the principal Act shall be omitted.

Amendment of section 17.

8. In section 17 of the principal Act,—

(1) for the expression “by an assistant commissioner or the personal assistant to the commissioner”, the expression “by an officer appointed under sub-section (2) of section 7” shall be substituted;

(2) the expression “or 16-A, as the case may be” shall be omitted.

Amendment of section 18.

9. In section 18 of the principal Act, for the expression “an assistant commissioner”, the expression “any other officer appointed under sub-section (2) of section 7” shall be substituted.

Amendment of section 83.

10. In section 83 of the principal Act, for the expression “In addition to the two assistant commissioners and a personal assistant to the commissioner”, the expression “In addition to the other officers appointed under sub-section (2) of section 7,” shall be substituted.

Amendment of section 92.

11. In section 92 of the principal Act, for the expression “other than the assistant commissioners, the personal assistant to the commissioner, and Class 1-A officers)”, the expression “[other than the officers appointed under sub-section (2) of section 7 and Class 1-A officers]” shall be substituted.

(By order of the Governor)

MD. ISMAIL,
Secretary to Government, Law Department.
Part IV—Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th September, 1992 and is hereby published for general information:

ACT No. 45 OF 1992.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-third Year of the Republic of India as follows:

PART I.
PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1992. Short title and commencement.

(2) It shall come into force at once.

PART II.
AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919, for the expression "30th day of September 1992", the expression "30th day of September 1993" shall be substituted.
PART III.

AMENDMENT TO "THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971."

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corporation Act, 1971, for the expression "30th day of September 1992", the expression "30th day of September 1993" shall be substituted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in rule 4, in sub-rule (a), for the expression "30th day of September 1992", the expression "30th day of September 1993" shall be substituted.

PART V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES (SECOND AMENDMENT AND SPECIAL PROVISIONS) ACT, 1990.

5. In clause (a) of sub-section (3) of section 4 of the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1990, for the expression "30th day of September 1992", the expression "30th day of September 1993" shall be substituted.

PART VI.

AMENDMENT TO THE TAMIL NADU MUNICIPAL COUNCILS (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1991.

6. In clause (a) of sub-section (3) of section 3 of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991, for the expression "30th day of September 1992", the expression "30th day of September 1993" shall be substituted.

(By order of the Governor.)

MD. ISMAIIL,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly, received the assent of the Governor on the 31st December 1993 and is hereby published for general information:

ACT No. 31 OF 1993.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fourth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 30th day of September 1993.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In sub-section (1) of section 55-B of the Madras City Municipal Corporation Act, 1919, for the expression "30th day of September 1993", the expression "31st day of May 1994" shall be substituted.

PART III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In sub-section (1) of section 62-A of the Madurai City Municipal Corporation Act, 1971, for the expression "30th day of September 1993", the expression "31st day of May 1994" shall be substituted.

PART IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In Schedule VII to the Coimbatore City Municipal Corporation Act, 1981, in rule 4, in sub-rule (a), for the expression "30th day of September 1993", the expression "31st day of May 1994" shall be substituted.

PART V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES (SECOND AMENDMENT AND SPECIAL PROVISIONS) ACT, 1990.

5. In clause (a) of sub-section (3) of section 4 of the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1990 for the expression "30th day of September 1993", the expression "31st day of May 1994" shall be substituted.

PART VI.

AMENDMENT TO THE TAMIL NADU MUNICIPAL COUNCILS (APPOINTMENT OF SPECIAL OFFICERS) ACT, 1991.

6. In clause (a) of sub-section (3) of section 3 of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991, for the expression "30th day of September 1993", the expression "31st day of May 1994" shall be substituted.
7. (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981 or the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1989 or the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991 as amended by the said Ordinance, shall be deemed to have been done or taken under the Madras City Municipal Corporation Act, 1919 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981 or the Tamil Nadu District Municipalities (Second Amendment and Special Provisions) Act, 1989 or the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1991 as amended by this Act.

(By order of the Governor)

M. MUNIRKAMAN,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th May 1994 and is hereby published for general information:

ACT No. 26 OF 1994.

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows:

PART I.

Preliminary.

1. (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART II.

AMENDMENTS TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 3 of the Madras City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act),—

(1) clause (9-AA) shall be omitted;

(2) after clause (13-A), the following clause shall be inserted, namely:

"(13-AA) "Metropolitan area" means the area comprised within the limits of the City of Madras, specified by the Governor by public notification under clause (c) of Article 243-P of the Constitution;";
Amendment of section 4.

3. In section 4 of the 1919 Act, in sub-section (3),—

(1) in clause (b), the word "and" occurring at the end shall be omitted;

(2) after clause (b), as so amended, the following clause shall be inserted, namely :

"(bb) the Wards Committee; and ".

Substitution of new sections 5, 5-A and 5-B for section 5.

4. For section 5 of the 1919 Act, the following sections shall be substituted, namely :

"5. Constitution of the council.—(1) The council shall consist of one hundred and fifty-five councillors elected in the manner laid down in this Act.

(2) The following persons shall also be represented in the council, namely:

(a) ten persons who are not less than twenty-five years of age and who have special knowledge or experience in municipal administration, to be nominated by the State Government:

Provided that the person nominated under this clause shall not have the right to vote in the meetings of the council,

(b) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(c) as nearly as possible, one-fifth of the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation to be nominated by the Speaker of the Legislative Assembly by rotation every year:

Provided that while nominating such members by rotation, the Speaker of the Legislative Assembly shall ensure that as far as possible all the members representing constituencies which comprise wholly or partly the area of the corporation are given an opportunity of being represented in the council at least once during the duration of the council;

(d) the Chairpersons of the Committees, if any, constituted under sections 6-A and 6-F if they are not councillors.

(3) after clause (13-B), the following clause shall be inserted, namely :

"(13-C) "Municipal area" means the territorial area of the Municipal Corporation of Madras as is notified by the Governor under clause (d) of Article 243-P of the Constitution; ";

(4) after clause (25-C), the following clauses shall be inserted, namely :

"(25-D) "State Election Commission" means the State Election Commission referred to in section 6-I;

(25-E) "State Election Commissioner" means the State Election Commissioner referred to in section 6-I;

(5) after clause (26-A), the following clause shall be inserted, namely :

"(26-B) "Wards Committee" means the Wards Committee referred to in section 6-P; ";

(6) after clause (27), the following clause shall be added, namely :

"(28) "Zone" means a zone referred to in section 5-A.".
(3) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the City or of the Scheduled Tribes in the City bears to the total population of the City:

Provided that for the first election to the council to be held immediately after the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, the provisional population figures of the City as published in relation to 1991 census shall be deemed to be the population of the City as ascertained in that census.

(4) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(5) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the council.

(6) The reservation of seats under sub-sections (3) and (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

5-A. Division of city into zones.—(1) The City shall be divided into the number of zones specified in column (1) of Schedule IX and each zone shall be known by the name specified in column (2) of that Schedule and each zone shall extend to the areas comprised in the divisions specified against that zone in column (3) of the said Schedule.

(2) The State Government, may, after consultation with the corporation, from time to time, by notification, alter the names, increase or diminish the area of any zone specified in column (3) of Schedule IX.

5-B. Duration of corporation.—(1) The corporation, unless sooner dissolved under section 44-A, shall continue for five years from the date appointed for its first meeting at the ordinary election and no longer.

(2) An election to constitute the corporation shall be completed—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued, is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the corporation for such period."

5. In section 6-B of the 1919 Act,—

(1) in sub-section (1),—

(a) for the words “from among its members”, the words “from among its members who is a councillor” shall be substituted;

(b) after the proviso, the following proviso shall be added, namely :

"Provided further that in every standing committee there shall be one member elected by the members of each Wards Committee from among themselves at the first meeting of the Wards Committee;"

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

"(2) A member of a standing committee or a Wards Committee, if he ceases to be a councillor or ceases to represent any of the categories mentioned in clauses (b) and (e) of sub-section (2) of section 5 shall cease to be a member of that Committee and his seat shall thereupon become vacant."
6, After section 6-E of the 1919 Act, the following headings and sections shall be inserted, namely:

"THE WARDS COMMITTEES.

6-F. Constitution of Wards Committee.—(1) For each Zone there shall be a Wards Committee which shall consist of,—

(a) all the councillors elected from the divisions comprised in that zone; and

(b) the person, if any, nominated by the State Government under clause (a) of sub-section (2) of section 5 if his name is registered as an elector within the territorial limits of the Zone concerned.

(2) The Wards Committee shall be deemed to have been constituted from the date on which the corporation is constituted after each ordinary election.

6-G. Application of sections 6-B and 6-C.—The provisions of sections 6-B and 6-C shall apply in relation to the election of Chairman of a Wards Committee as they apply in relation to the election of Chairman of a standing committee.

6-H. Powers and functions of Wards Committee.—(1) Subject to the provisions of this Act, every Wards Committee shall exercise the powers and perform the functions as specified in Schedule X on behalf of the corporation in relation to that zone.

(2) The State Government may, after consultation with the corporation, by notification, amend Schedule X.

(3) When any question arises as to whether any matter falls within the purview of a Wards Committee or the corporation, it shall be referred to the State Government and the decision of the State Government thereon shall be final.

(4) The procedure to be adopted by the Wards Committee for transaction of its business shall be such as may be prescribed.

(5) The duration of the Wards Committee shall be co-extensive with the duration of the corporation.

THE STATE ELECTION COMMISSION.

6-I. Elections to Corporation.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the corporation shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor under Article 243-K of the Constitution.

(2) The Governor shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the "State Election Commission" by sub-section (1)."

Amendment of section 27.

7. In section 27 of the 1919 Act,—

(1) for the words "the proceedings of a standing committee", the words "the proceedings of a standing committee or a Wards Committee" shall be substituted;

(2) for the words "complied with by the standing committee", the words "complied with by the standing committee or the Wards Committee" shall be substituted.
8. After section 27-A of the 1919 Act, the following section shall be inserted, namely:

"27-B. Metropolitan Planning Committee.—(1) There shall be constituted a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The State Government may, by rules, provide for—

(a) the composition of the Metropolitan Planning Committee;
(b) the manner in which the seats in such Committee shall be filled;
(c) the representation in such Committees of the Government of India and the State Government and of such organizations and institutions as may be deemed necessary for carrying out the functions assigned to such Committee;
(d) the functions relating to planning and co-ordination for the Metropolitan area which may be assigned to such Committee;
(e) the manner in which the Chairperson of such Committee shall be chosen.

(3) The Metropolitan Planning Committee shall, in preparing the draft development plan—

(a) have regard to—

(i) the plans prepared by the City Municipal Corporation of Madras for the City of Madras as a whole;
(ii) the Spatial plan prepared by the Madras Metropolitan Development Authority constituted under the Tamil Nadu Town and Country Planning Act, 1971, (Tamil Nadu Act 35 of 1972), for the City of Madras;
(iii) matters of common interest pertaining to the City of Madras including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;
(iv) the overall objectives and priorities set by the Government of India and the State Government;
(v) the extent and nature of investments likely to be made in the metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise;

(b) consult such institutions and organizations as the Governor may, by order, specify.

(4) The Chairperson of the Metropolitan Planning Committee shall forward the development plan, as recommended by the Committee, to the State Government.”.

9. For section 28 of the 1919 Act, the following section shall be substituted, namely:

"28. Election of Mayor.—(1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the divisions from among themselves in accordance with such procedure as may be prescribed;
(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as Mayor.”.
(2) The election of the Mayor may be held ordinarily at the same times and in the same places as the ordinary elections of the councillors of the divisions are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

Substitution of section 29.* 10. For section 29 of the 1919 Act, the following section shall be substituted, namely:—

"29. Election of Deputy Mayor.—(1) The Deputy Mayor shall be elected by the councillors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

(3) The Deputy Mayor shall hold office for a period of one year from the date of his election and the Deputy Mayor shall continue as such Deputy Mayor until the election of his successor in office provided that in the meantime he does not cease to be a councillor."

Amendment of section 32. 11. In section 32 of the 1919 Act,—

(1) in sub-section (1), for the words "by a councillor chosen by the meeting to preside for the occasion", the expression "the councillors and the persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5 shall elect one from among the councillors to preside for the occasion" shall be substituted;

(2) in sub-section (2), for the words "a standing committee", the words "a standing committee or a Wards Committee" shall be substituted.

Amendment of section 33. 12. In section 33 of the 1919 Act,—

(1) in sub-section (1), for the words "any standing committee", the words "any standing committee, Wards Committee" shall be substituted;

(2) in sub-section (2), for the words "of a standing committee or", the words "of a standing committee, Ward's Committee or" shall be substituted.

Amendment of section 34. 13. In section 34 of the 1919 Act,—

(1) in sub-section (1),—

(a) for the words "No councillor", the expression "No councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted;

(b) after the words "any standing committee", the words "or Wards Committee" shall be inserted;

(2) in sub-section (2), for the word "councillor" wherever it occurs, the expression "councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted;

(3) in sub-section (3), for the words "Such councillor", the expression "Such councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted;
(4) in sub-section (4), for the word “councillor” in both the places where it occurs, the expression “the councillor or persons referred to in clauses (b), (c) and (d) of subsection (2) of section 5” shall be substituted.

(5) in subsection (5), for the words “councillor concerned”, the expression, “councillor concerned or persons concerned referred to in clauses (b), (c) and (d) of subsection (2) of section 5” shall be substituted.

14. In section 35 of the 1919 Act, after the words “Chairman of a standing committee” Amendment of section 35. the words “or any member or chairman of a Wards Committee” shall be inserted.

15. In section 36 of the 1919 Act, for the expression “standing committee” in both Amendment of section 35. the places where it occurs, the expression “standing committee or Wards Committee” shall be substituted.

16. In section 38 of the 1919 Act,—

(1) in sub-section (1),—

(a) for the words “every standing committee”, the words “every standing committee, Wards Committee” shall be substituted;

(b) after the words “the Chairman of any Standing Committee” the words “or Wards Committee” shall be inserted;

(2) in sub-section (2), for the words “a standing committee”, the words “a standing committee or Wards Committee” shall be substituted.

(3) in sub-section (3), for the words “any standing committee”, the words “any standing committee or Wards Committee” shall be substituted.

17. In section 44 of the 1919 Act, for the words “the standing committee”, the words “the standing committees, Wards Committees” shall be substituted.

18. In section 44-A of the 1919 Act,—

(1) in the marginal heading the words “or supersede” shall be omitted;

(2) for sub-section (1) including the proviso thereunder, the following sub-sections shall be substituted, namely :

“(1) If, in the opinion of the State Government, the corporation is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, the State Government may, by notification,—

(a) dissolve the corporation from a specified date; and

(b) direct that the corporation be reconstituted with effect from a date which shall not be later than six months from the date of dissolution.

(1-A) An election to reconstitute the corporation shall be completed before the expiration of a period of six months from the date of its dissolution.”;

(3) in sub-section (4), after the words “have vacated their offices”, the words “and the persons referred to in sub-section (2) of section 5 shall cease to be represented in the council” shall be inserted;

(4) in sub-section (5),—

(a) in the opening portion, for the word “Supersession”, the word “Dissolution” shall be substituted;

(b) in clause (b), for the words “during the period of supersession”, the words “during the period of dissolution” shall be substituted;

(c) in clause (c), for the words “during the period of supersession”, the words “during the period of dissolution” shall be substituted;

(5) sub-section (5-A) shall be omitted;
(6) sub-section (6) shall be omitted;

(7) in sub-section (7), the expression "or sub-section (6)" shall be omitted;

(8) for sub-section (7-A) including the proviso thereunder, the following sub-section shall be substituted, namely:

"(7-A) All the newly elected councillors of the reconstituted corporation shall enter upon their offices on the date fixed for its reconstitution and they shall hold their offices only for the remainder of the period for which the dissolved corporation would have continued under sub-section (1) of section 5-B, had it not been dissolved."

(9) in sub-section (8), the words "or superseded" and the words "or supersession" shall be omitted.

19. After section 44-A of the 1919 Act, the following section shall be inserted, namely:

"44-AA. Delegation of power by the State Government.—The State Government may, by notification, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification be exercisable by the corporation or any of its officers or by the Commissioner or any other authority."

20. Section 44-B of the 1919 Act, shall be omitted.

21. In section 47 of the 1919 Act,—

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

"(1) The electoral roll of the corporation shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of law for the time being in force in the corporation and shall be deemed to be the list of voters of the corporation for the purposes of this Act and that no amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for election in the corporation and before the notification of the result of such election, shall form part of the list of voters for such election, for the purpose of this section."

(2) in sub-section (6), in clause (d), for the words "the State Government", the words "the State Election Commission" shall be substituted.

22. In section 48 of the 1919 Act,—

(1) in sub-section (1),—

(a) in the opening portion, for the words "Any person authorised in this behalf by the State Government", the words "Any officer of the State Government or the corporation authorised in this behalf by the State Election Commission, in consultation with the State Government" shall be substituted;

(b) in the Explanation, after the expression "disqualifications specified in sub-section (2) of section 47", the following shall be inserted, namely:

"or who is disqualified to be included in such part of the electoral roll for any territorial constituency of the Tamil Nadu Legislative Assembly as relates to that division."

(2) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:

"(1-A) To assist the person authorised under sub-section (1), the State Election Commission may employ such persons as it thinks fit."

(3) in sub-section (2), for the words "the State Government", the words "the State Election Commission" shall be substituted.
(4) sub-section (2-A) shall be omitted.

23. In section 51 of the 1919 Act,—

(1) in sub-section (2), in the second proviso, for the words "the State Government", the words "the Governor" shall be substituted;

(2) after sub-section (2), as so amended, the following sub-section shall be inserted, namely:—

"(3) Before taking any decision on any such question, the Governor shall obtain the opinion of the State Election Commission and shall act according to such opinion.".

24. After section 51 of the 1919 Act, the following new sections shall be inserted, namely:—

"51-A. Powers of State Election Commission.— (1) Where in connection with the tendering of any opinion to the Governor under sub-section (3) of section 51, the State Election Commission considers it necessary or proper to make an inquiry, the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or a copy thereof from any court or office;

(e) issuing commissions for the examinations of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry.

(3) The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act XLV of 1860) is committed in the view or presence of the Commission, the Commission may after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973. (Central Act 2 of 1974).

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (Central Act XLV of 1860).

51-B. Statements made by persons to the State Election Commission.—No statement made by a person in the course of giving evidence before the State Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:
 Provided that the statement—

(a) is made in reply to a question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry.

51-C. Procedure to be followed by the State Election Commission.—The State Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sitting and deciding whether to sit in public or in private).

51-D. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the State Election Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of sections 51-A to 51-C or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.”.

Amendment of section 52.

25. In section 52 of the 1919 Act, in sub-section (3), for the words “the State Government”, the words “the State Election Commission” shall be substituted.

Amendment of section 53.

26. In section 53 of the 1919 Act,—

(1) in sub-section (1), in the opening portion, for the words “a councillor”, the expression “a councillor or a person referred to in clauses (b), (c) or (d) of sub-section (2) of section 5” shall be substituted;

(2) in sub-sections (2) and (3), for the words “the State Government” wherever they occur, the words “the State Election Commission” shall be substituted.

Substitution of new section for section 53-A.

27. For section 53-A of the 1919 Act, the following section shall be substituted, namely—

“53-A. Oath or affirmation.—(1) Every councillor and every person nominated under clause (a) of sub-section (2) of section 5, before taking his seat, shall make and subscribe at a meeting of the council an oath or affirmation according to the following form, namely—

“I, A.B. having been elected as a councillor of
nominated under clause (a) of sub-section
(2) of section 5 as representative in

this council do
swear in the name of God
solemly affirm

that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) If a person sits or votes as a councillor or sits as a representative nominated under clause (a) of sub-section (2) of section 5 before he has complied with the requirements of sub-section (1) he shall be liable in respect of each day on which he sits or votes, as the case may be, to a penalty of three hundred rupees to be recovered as arrears of tax under this Act.”.

Amendment of section 54.

28. In section 54 of the 1919 Act, in sub-sections (1) and (2), the expression “section 52 or” shall be omitted.
"DISPUTES RECORDING ELECTIONS.

54-A. Election petitions.—(1) No election of a councillor shall be called in question except by an election petition presented to the Principal Judge, City Civil Court, Madras, within fifteen days from the date of the publication of the result of the election under section 53.

(2) An election petition calling in question any election may be presented on one or more of the grounds specified in section 54-B by any candidate at such election, by any elector of the division concerned or by any councillor.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the verification of pleadings;

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the verification of pleadings;

54-B. Grounds for declaring elections to be void.—(1) Subject to the provisions of sub-section (2), if the Principal Judge, City Civil Court is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(c) that any nomination paper has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent, or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;
CORRUPT PRACTICES.

54-C. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:

(1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951. (Central Act XLIII of 1951).

(2) Undue influence as defined in clause (2) of the said section.

(3) The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to, religious symbols, or the use of or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicle” means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to election which does not bear the name and address of the printer and publisher thereof.

(8) Any other practice which the State Government may by rules specify to be a corrupt practice.

Amendment of section 55. 30. In section 55 of the 1919 Act,

(1) in the opening paragraph, for the words “The State Government may”, the words “The State Election Commission, in consultation with the State Government, may” shall be substituted;

(2) The proviso shall be omitted.

Amendment of section 55-A. 31. In section 55-A of the 1919 Act,—

(1) in sub-section (1),—

(i) for clause (a) including the proviso thereunder, the following clause shall be substituted, namely:
32. In section 55-B of the 1919 Act, in sub-section (1), for the words “the Special Officer shall”, the expression “the officer or authority referred to in section 44-AA, in consultation with the State Election Commission, shall” shall be substituted.

33. Section 56 of the 1919 Act shall be omitted.

34. Section 56-A of the 1919 Act shall be omitted.

35. In section 58 of the 1919 Act—

(1) in the marginal heading, the words “and appointment” shall be omitted;

(2) the words “or co-options” shall be omitted.

36. In section 59 of the 1919 Act—

(1) in the marginal heading, the words “and co-option” shall be omitted;

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

“(1) The State Government may, in consultation with the State Election Commission, make rules regulating the procedure with regard to elections.”;

(3) in sub-section (2), for clause (b), the following clause shall be substituted, namely:

“(b) provide for the adjudication by the Principal Judge, City Civil Court, Madras, of disputes arising out of elections, and ”.

37. After section 162 of the 1919 Act, the following heading and section shall be inserted, namely:

FINANCE COMMISSION,

162-A. Constitution of Finance Commission.—(1) The Finance Commission referred to in Article 243-I of the Constitution shall also review the financial position of the corporation and make recommendations to the Governor as to—

(a) the principles which should govern,—

(i) the distribution between the State Government and the corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the State Government which may be divided between them and the allocation between the corporations of their respective shares of such proceeds;

(ii) in clause (b), for the words “subject to the approval of the State Government, be fixed by the Commissioner”, the words “subject to the approval of the State Election Commission, be fixed by the State Government” shall be substituted;

(2) in sub-section (2), for the words “the State Government”, the words “the State Election Commission in consultation with the State Government” shall be substituted;

(3) for sub-section (3), the following sub-section shall be substituted, namely:

“(3) A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.”;

Amendment of section 55-B.

Omission of section 56.

Omission of section 56-A.

Amendment of section 58.

Amendment of section 59.

Insertion of new heading and new section 162-A.
(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the corporation;

(iii) the grants-in-aid to the corporation from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the corporation;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the corporation.

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Tamil Nadu Legislative Assembly.

Amendment of section 38.

38. In section 348 of the 1919 Act, in clause (ii), for the words “every notification issued under this Act”, the expression “every notification issued under sub-section (2) of section 5-A, sub-section (2) of section 6-I or under any other provisions of this Act” shall be substituted.

Amendment of section 39.

39. In section 398 of the 1919 Act, in clause (i), for the words “the council or the standing committee”, the words “the council, the standing committee or the Wards Committee” shall be substituted.

Insertion of new sections 414, 415 and 416.

414. Transitory provision.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, the State Government may, by notification, if necessary, appoint a Special Officer to exercise the powers and discharge the functions of the corporation until the day on which the first meeting of the council is held after ordinary elections to the corporation after the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(2) The Special Officer appointed under sub-section (1) shall hold office for six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 and no longer.

415. Powers, authority and responsibilities of the Municipal Corporation, standing committees, etc.—Save as otherwise provided in this Act, the State Government may, by notification and subject to such conditions and restrictions as may be specified therein, entrust to the corporation, the standing committees, Wards Committees or any other committee constituted under this Act with such powers and responsibilities with respect to the preparation of plans for economic development and social justice and also with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in Schedule XI.

416. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, the State Government may, by an order published in the Tamil Nadu Government Gazette make such provisions, not inconsistent with the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(2) Every order made under sub-section (1) shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly decides that the order should not be
issued, the order 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
order.”

41. After Schedule VIII to the 1919 Act, the following new Schedules IX, X and
XI shall be added, namely:

“SCHEDULE IX.
(See section 5-A)

THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES.

<table>
<thead>
<tr>
<th>Number</th>
<th>Name of the zone</th>
<th>Area of the zone / number and name of the division</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Zone-I—Thiruvathiur High Road</td>
<td>1 Kodungaiyur (West).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Kodungaiyur (East).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Dr. Radhakrishnan Nagar (North).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4 Cheriyan Nagar (North).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 Jeeva Nagar (North).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 Cherian Nagar (South).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 Jeeva Nagar (South).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8 Korukkupettai.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9 Mottai Garden.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 Kumarasamy Nagar (South).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11 Dr. Radhakrishnan Nagar (South)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 Kumarasamy Nagar (North).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13 Dr. Vijayaramghavalu Nagar.</td>
</tr>
<tr>
<td>2</td>
<td>Zone-II—Basin Bridge</td>
<td>14 Tondiarpet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15 Sanjeeviroypet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16 Grace Garden.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18 Royapuram.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>19 Singaragarden.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20 Narayananappa Naicken Garden.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>21 Old’Washermenpet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>22 Meenakshiammanpet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>23 Kondithope.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24 Seven Wells (North)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25 Amman Koil.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 Muthialpet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>27 Vallal Seethakathi Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28 Katchalereswarar Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29 Seven Wells (South).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30 Sowcarpet.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>31 Basin Bridge.</td>
</tr>
<tr>
<td>3</td>
<td>Zone-III—Dr. Ambedhkar College Road, Pulianthope.</td>
<td>32 Vysarpadi (South).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>33 Vysarpadi (North).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>34 Perambur (North).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>35 Perambur (East).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>36 Elango Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>37 Perambur (South).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>38 Thiru-Vi-Ka. Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>39 Wadia Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40 Dr. Sathiyavanimuthu Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>41 Pulianthope.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42 Dr. Besant Nagar.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>43 Peddu Naicken Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>44 Perumal Koll Garden.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>45 Thattankulam.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>46 Choolai.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>47 Park Town.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>48 Elephant Gate.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>49 Edapalavam.</td>
</tr>
</tbody>
</table>

"Addition of new Schedules IX, X and XI.

(Group) IV-2 Ex. (270)—5a
4. Zone IV—Ayanavaram

5. Zone V—Periar E.V.R. High Road, Kilpauk.

6. Zone VI—Dr. Besant Road, Ice House.
8. Zone-VIII—Kodambakkam
   114 Sathiyamoorthy Nagar.
   115 Alwarpet (North).
   116 Alwarpet (South).
   117 Vadapalani (West).
   118 Vadapalani (East).
   119 Kalavannar Nagar.
   120 Navalar Nedunchezhiyan Nagar (East).
   121 Navalar Nedunchezhiyan Nagar (West).
   122 Ashok Nagar.
   123 M.G.R. Nagar.
   124 Kamaraj Nagar (North).
   125 Kamaraj Nagar (South).
   126 Theagaraya Nagar.
   127 Rajaji Nagar.
   128 Virugambakkam (South).
   129 Saligramam.

9. Zone-IX—Saidapet
   130 Kodambakkam (North).
   131 Kodambakkam (South).
   132 Saidapet.
   133 Kumaran Nagar (North).
   134 Kumaran Nagar (South).
   135 Saidapet (East).
   136 Kalaignar Karunanidhi Nagar.
   137 V.O.C. Nagar.
   138 G.D. Naidu Nagar (East).
   139 G.D. Naidu Nagar (West).
   140 Guindy (West).
   141 Guindy (East).

10. Zone-X—Mylapore
    142 Bommanapettai.
    143 Thiruvali Nagar.
    144 Madhava Perumalpuram.
    145 Karaneevarapuram.
    146 Sethupathy.
    147 Mylapore.
    148 Avvai Nagar (North).
    149 Raja Annamalaipuram.
    150 Avvai Nagar (South).
    151 Adayar (West).
    152 Adayar (East).
    153 Velachery.
    154 Thiruvanmiyur (West).
    155 Thiruvanmiyur (East).

**SCHEDULE X.**

(See section 6-H)

**POWERS AND FUNCTIONS OF THE WARDS COMMITTEE.**

1. Sanction estimates and plans for municipal works to be carried out within the zone costing up to rupees ten lakhs, other than works taken up and executed for Madras as a whole or those covering more than one zone, provided that specific provision exists thereafter in the budget sanctioned by the corporation.

2. Call for any report, return, plan, estimate, statement, account or statistics from the Commissioner, connected with matter pertaining to the municipal administration in the zone.

3. Scrutinise monthly statements of receipts and disbursements and of the progress reports in the collection of revenue in the zone.

4. Consider and make recommendations on the proposals regarding estimates of revenue and expenditure pertaining to the zone under different heads of account of the budget before being forwarded to the Commissioner.
(5) Report or advice upon any matter which the corporation may refer to it under the Act.

(6) Deal with such other matters as may be delegated by the corporation to the Wards Committee.

(7) In general exercise all such municipal powers and functions of the corporation as are to be performed exclusively in the zone concerned other than those relating to Madras as a whole or involving two or more zones.

SCHEDULE XI.

(See section 415)

1. Planning for economic and social development.
2. Roads and bridges.
3. Water supply for domestic, industrial and commercial purposes.
4. Public health, sanitation, conservancy and solid waste management.
5. Urban forestry, protection of the environment and promotion of ecological aspects.
6. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
7. Slum improvement and upgradation.
8. Urban poverty alleviation.
9. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
10. Promotion of cultural, educational and aesthetic aspects.
11. Burials and burial grounds, cremations, cremation grounds and electric crematoriums.
12. Cattle ponds; prevention of cruelty to animals.
13. Vital statistics including registration of Births and Deaths.
14. Public amenities including street lighting, parking lots, bus stops and public conveniences.
15. Regulation of slaughter houses and tanneries.

PART III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

42. In section 2 of the Madurai City Municipal Corporation Act, 1971 (herein after in this Part referred to as the 1971 Act),—

(1) clause (11-A) shall be omitted;

(2) after clause (23), the following clause shall be inserted, namely:

"(25-A) "Municipal Area" means the territorial area of the Municipal Corporation of Madurai as is notified by the Governor under clause (d) of Article 243-P of the Constitution";

(3) after clause (41), the following clauses shall be inserted, namely:

"(41-A) "State Election Commission" means the State Election Commission referred to in section 10-D;"
(41-B) "State Election Commissioner" means the "State Election Commissioner" referred to in section 10-D;!

(4) after clause (42); the following clause shall be inserted, namely:

"(42-A) "Wards Committee" means the Wards Committee referred to in section 10-A;"!

(5) after clause (44), the following clause shall be added, namely:

"(45) "Zone" means a zone referred to in section 5-A."

43. In section 3 of the 1971 Act, in sub-section (3),

(1) in clause (b), the word "and" occurring at the end shall be omitted;

(2) after clause (b), as so amended, the following clause shall be inserted, namely:

"(bb) the Wards Committee; and"

44. For section 5 of the 1971 Act, the following new sections shall be substituted, namely:

"5. Constitution of the council.—(1) The council shall consist of seventy-two councillors elected in the manner laid down in this Act.

(2) The following persons shall also be represented in the council, namely:

(a) five persons who are not less than twenty-five years of age and who have special knowledge or experience in municipal administration, to be nominated by the Government;

Provided that the person nominated under this clause shall not have the right to vote in the meetings of the council;

(b) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(c) as nearly as possible one-fifth of the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation to be nominated by the Speaker of the Legislative Assembly by rotation every year;

Provided that while nominating such members by rotation, the Speaker of the Legislative Assembly shall ensure that as far as possible all the members representing constituencies which comprise wholly or partly the area of the corporation are given an opportunity of being represented in the council at least once during the duration of the council;

(d) the Chairpersons of the Committees, if any, constituted under sections 6 and 10, if they are not councillors;

(3) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the City or of the Scheduled Tribes in the City bears to the total population of the City:

Provided that for the first election to the council to be held immediately after the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment) and Special Provision) Act, 1994, the provisional population figures of the City as published in relation to 1991 census shall be deemed to be the population of the City as ascertained in that census.
(4) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(5) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the council.

(6) The reservation of seats under sub-sections (3) and (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

5-A. Division of City into zones.—(1) The city shall be divided into the number of zones specified in column (1) of Schedule VIII and each zone shall be known by the name specified in column (2) of that Schedule and each zone shall extend to the areas comprised in the wards specified against that zone in column (3) of the said Schedule.

(2) The Government may, after consultation with the corporation, from time to time, by notification, alter the names, increase or diminish the area of any zone specified in column (3) of Schedule VIII.

5-B. Duration of corporation.—(1) The corporation, unless sooner dissolved under section 48, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer.

(2) An election to constitute the corporation shall be completed—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the corporation for such period.”.

Amendment of section 7.

45. In section 7 of the 1971 Act,—

(1) in sub-section (1),—

(a) for the words “from among its members”, the words “from among its members who is a councillor” shall be substituted;

(b) after the proviso, the following proviso shall be added, namely:

“Provided further that in every standing committee, there shall be one member elected by the members of each Wards Committee from among themselves at the first meeting of the Wards Committee.”;

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

“(2) A member of a standing committee or a Wards Committee, if he ceases to be a councillor or cease, to represent any of the categories mentioned in clauses (b) and (c) of sub-section (2) of section 5, shall cease to be a member of that committee and his seat shall thereupon become vacant.”.

Insertion of new section 9-A.

46. After section 9 of the 1971 Act, the following section shall be inserted, namely:

“9-A. Preparation of development plan. The council shall prepare every year a development plan for the city of Madurai and submit it to the District Planning Committee, having jurisdiction over the city of Madurai, constituted under section 241 of the Tamil Nadu Panchayats Act, 1994.”.
47. After section 10 of the 1971 Act, the following headings and sections shall be inserted, namely:

THE WARDS COMMITTEES.

10-A. Constitution of Wards Committee.—(1) For each zone there shall be a Wards Committee which shall consist of,—

(a) all the councillors elected from the wards comprised in that zone;

(b) the person, if any, nominated by the Government under clause (a) of sub-section (2) of section 5 if his name is registered as an elector within the territorial limits of the zone concerned.

(2) The Wards Committee shall be deemed to have been constituted from the date on which the corporation is constituted after each ordinary election.

10-B. Application of sections 7 and 8.—The provisions of sections 7 and 8 shall apply in relation to the election of Chairman of a Wards Committee as they apply in relation to the election of Chairman of a standing committee.

10-C. Powers and functions of Wards Committee.—(1) Subject to the provisions of this Act, every Wards Committee shall exercise the powers and perform the functions as specified in Schedule IX on behalf of the corporation in relation to that zone.

(2) The Government may, after consultation with the Corporation, by notification, amend Schedule IX.

(3) When any question arises as to whether any matter falls within the purview of a Wards Committee or the corporation, it shall be referred to the Government and the decision of the Government thereon shall be final.

(4) The procedure to be adopted by the Wards Committee for transaction of its business shall be such as may be prescribed.

(5) The duration of the Wards Committee shall be co-extensive with the duration of the corporation.

THE STATE ELECTION COMMISSION.

10-D. Elections to corporation.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the corporation shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor under Article 243-K of the Constitution.

(2) The Governor shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1).

48. In section 27 of the 1971 Act, for the words “the proceedings of a standing committee”, the words “the proceedings of a standing committee or a Wards Committee” shall be substituted.

49. For sections 29 and 29-A of the 1971 Act, the following section shall be substituted, namely:

“29. Election of Mayor.—(1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the wards from among themselves in accordance with such procedure as may be prescribed.

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

(A, Group) IV-2 Ex. (270)—6
Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as Mayor:

Provided also that no councillor shall be eligible to stand for election as Mayor

(2) The election of the Mayor may be held ordinarily at the same times and in the same places as the ordinary elections of the councillors of the wards are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

Substitution of sections, 30-A and 31.

30. For sections 30, 30-A and 31 of the 1971 Act, the following sections shall be substituted, namely:

"30. Election of Deputy Mayor.—(1) The Deputy Mayor shall be elected by the councillors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

(3) The Deputy Mayor shall hold office for a period of one year from the date of his election and he shall continue as such Deputy Mayor until the election of his successor in office, provided that in the meantime he does not cease to be a councillor.

31. Re-eligibility of Mayor and Deputy Mayor.—An outgoing Mayor or Deputy Mayor is eligible for re-election."

Amendment of section 33.

51. In section 33 of the 1971 Act,—

(1) in sub-section (1), for the words "by a councillor chosen by the meeting to preside for the occasion", the expression "the councillors and the persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5 shall elect one from among the councillors to preside for the occasion" shall be substituted;

(2) in sub-section (2), for the words "a standing committee", the words "a standing committee or a Wards Committee" shall be substituted.

Amendment of section 34.

52. In section 34 of the 1971 Act,—

(1) in sub-section (1), for the words "any standing committee", the words "any standing committee, Wards Committee" shall be substituted;

(2) in sub-section (2), for the words "of any standing committee or" the words "of any standing committee, Wards Committee or" shall be substituted.
53. In section 35 of the 1971 Act,—

(1) in sub-section (1),—

(a) for the words “No councillor”, the expression “No councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5” shall be substituted;

(b) after the words “any standing committee”, the words “or Wards Committee” shall be inserted;

(2) in sub-section (2), for the word “councillor” wherever it occurs, the expression “councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5” shall be substituted;

(3) in sub-section (3), for the words “Such councillor”, the expression “Such councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5” shall be substituted;

(4) in sub-section (4), for the word “councillor” in both the places where it occurs, the expression “councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5” shall be substituted;

(5) in sub-section (5), for the words “councillor concerned” the expression “councillor concerned or persons concerned referred to in clauses (b), (c) and (d) of sub-section (2) of section 5” shall be substituted.

54. In section 36 of the 1971 Act, after the words “chairman of a standing committee or other committee”, the words “or any member or chairman of a Wards Committee” shall be inserted.

55. In section 37 of the 1971 Act, for the words “standing committee”, the words “standing committee or Wards Committee” shall be substituted.

56. In section 39 of the 1971 Act,—

(1) in sub-section (1),—

(a) for the words “every standing committee”, the words “every standing committee, Wards Committee” shall be substituted;

(b) after the words “the chairman of any standing committee”, the words “or Wards Committee” shall be inserted;

(2) in sub-section (2), for the words “a standing committee”, the words “a standing committee or Wards Committee” shall be substituted;

(3) in sub-section (3), for the words “any standing committee”, the words “any standing committee or Wards Committee” shall be substituted.

57. In section 46 of the 1971 Act, for the words “the standing committees”, the words “the standing committees, Wards Committees” shall be substituted.

58. In section 48 of the 1971 Act,—

(1) for the marginal heading, the following marginal headings shall be substituted, namely:

“Government’s power to dissolve the corporation”;

(2) for sub-section (1) including the proviso thereunder, the following sub-sections shall be substituted, namely:

“(1) If, in the opinion of the Government, the corporation is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, the Government may, by notification, —

(a) dissolve the corporation from a specified date; and
(b) direct that the corporation be reconstituted with effect from a date which shall not be later than six months from the date of dissolution.

(1-A) An election to reconstitute the corporation shall be completed before the expiration of a period of six months from the date of its dissolution; *(*

(3) in sub-section (4), after the words "have vacated their offices", the words "and the persons referred to in sub-section (2) of section 5 shall cease to be represented in the council" shall be inserted;

(4) in sub-section (5),—

(a) in the opening portion, for the words "Supersession", the words "Dissolution" shall be substituted;

(b) in clause (b), for the words "during the period of supersession", the words "during the period of dissolution" shall be substituted;

(c) in clause (c), for the words "during the period of supersession", the words "during the period of dissolution" shall be substituted;

(5) sub-section (6) shall be omitted;

(6) in sub-section (7), the expression "or sub-section (6)" shall be omitted;

(7) for sub-section (8), including the proviso thereunder, the following sub-section shall be substituted, namely:

"(8) All the newly elected councillors of the reconstituted corporation shall enter upon their offices on the date fixed for its reconstitution and they shall hold their offices only for the remainder of the period for which the dissolved corporation would have continued under sub-section (1) of section 5-B, had it not been dissolved.";

(8) sub-section (9) shall be omitted;

(9) in sub-section (10), the words "or superseded" and the words "or supersession" shall be omitted.

Substitution of new section 48-A. 59. For section 48-A of the 1971 Act, the following section shall be substituted, namely:

"48-A. Delegation of power by Government.—The Government may, by notification, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification be exercisable by the corporation or any of its officers or by the Commissioner or any other authority."

Amendment of section 51. 60. In section 51 of the 1971 Act,—

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

"(1) The electoral roll of the corporation shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of law for the time being in force in the corporation and shall be deemed to be the list of voters of the corporation for the purposes of this Act and that no amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for election in the corporation and before the notification of the result of such election, shall form part of the list of voters for such election, for the purpose of this section.";

(2) in sub-section (6), in clause (d), for the words "the Government" the words "the State Election Commission" shall be substituted.

Amendment of section 52. 61. In section 52 of the 1971 Act,—

(1) in sub-section (1),—

(a) in the opening portion, for the words "Any person authorised in this behalf by the Government", the words "Any officer of the Government or the corporation authorised in this behalf by the State Election Commission, in consultation with the Government" shall be substituted;
(b) in the *Explanation*, after the expression "disqualifications specified in sub-section (2) of section 51", the following shall be inserted, namely:

"or who is disqualified to be included in such part of the electoral roll for any territorial constituency of the Tamil Nadu Legislative Assembly as relates to that ward";

(2) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:

'(1-A) To assist the person authorised under sub-section (1), the State Election Commission may employ such persons as it thinks fit";

(3) in sub-section (2), for the words "the Government", the words "the State Election Commission" shall be substituted;

(4) sub-section (3) shall be omitted.

62. In section 55 of the 1971 Act,—

(1) in sub-section (1), in the opening portion, the words "or co-option" shall be omitted;

(2) in sub-section (2),—

(a) the words "or co-option" occurring in both the places shall be omitted;

(b) for the words "the Government", the words "the Governor" shall be substituted;

(3) after sub-section (2), as so amended, the following sub-section shall be inserted, namely:

"(3) Before taking any decision on any such question, the Governor shall obtain the opinion of the State Election Commission and shall act according to such opinion.".

63. After section 55 of the 1971 Act, the following sections shall be inserted, namely:—

'55-A. *Powers of State Election Commission.*—(1) Where in connection with the tendering of any opinion to the Governor under sub-section (3) of section 55, the State Election Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purposes of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or a copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful or relevant to, the subject matter of the inquiry.
The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act XLI of 1860) is committed in the view or presence of the Commission, the Commission may after recording the facts constituting the offence, and the statement of the accused as described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act XLI of 1860) is committed in the view or presence of the Commission, the Commission may after recording the facts constituting the offence, and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (Central Act XLI of 1860).

No statement made by a person in the course of giving evidence before the State Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(a) is made in reply to a question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry.

The State Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sitting and deciding whether to sit in public or in private).

No suit, prosecution or other legal proceedings shall lie against the State Election Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of sections 55-A to 55-C or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.

64. In section 56 of the 1971 Act,—

(a) the words “or co-option” wherever they occur shall be omitted;

(2) in sub-section (3), for the words “the Government”, the words “the State Election Commission” shall be substituted.

65. In section 57 of the 1971 Act,—

(1) in sub-section (1), in the opening portion, for the words “a councillor”, the expression “a councillor or a person referred to in clauses (b), (c) or (d) of sub-section (2) of section 5” shall be substituted;

(2) in sub-section (2), for the words “the Government”, the words “the State Election Commission” shall be substituted;

(3) in sub-section (3), the words “or co-opted” occurring in both the places shall be omitted.

66. For section 59 of the 1971 Act, the following section shall be substituted, namely:—

“59. Oath or affirmation.—(1) Every councillor and every person nominated under clause (a) of sub-section (2) of section 5, before taking his seat, shall make and subscribe at a meeting of the council an oath or affirmation according to the following form, namely:—

“I, A. B., having been elected as a councillor of this council do swear in the name of God that I solemnly affirm that I shall, as such councillor, perform the duties imposed on me by this constitution and the laws of the republic, and that I shall attend regularly at the meetings of the council and carefully attend to the business of the council.”
hat I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) If a person sits or votes as a councillor or sits as a representative nominated under clause (a) or sub-section (2) of section 2 before he has complied with the requirement of sub-section (1), he shall be liable in respect of each day on which he sits or votes, as the case may be, to a penalty of three hundred rupees to be recovered as arrears of tax under this Act."

67. In section 60 of the 1971 Act, in sub-sections (1) and (2), the expression "sub-section (1) of section 55, section 56" shall be omitted.

68. After section 60 of the 1971 Act, the following new headings and new sections shall be inserted, namely:—

**DISPUTES REGARDING ELECTIONS.**

60-A. Election Petitions.—(1) No election of a councillor shall be called in question except by an election petition presented to the District Judge having jurisdiction within fifteen days from the date of the publication of the result of the election under section 65.

(2) An election petition calling in question any election may be presented to under any of the grounds specified in section 60-B by any candidate at such election, by any elector of the wards concerned or by any councillor.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the verification of pleadings.

60-B. Grounds for declaring elections to be void.—(1) Subject to the provisions of sub-section (2), if the District Judge is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(c) that any nomination paper has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent, or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or

(iv) by the non-compliance with the provisions of this Act or of any rules or orders made thereunder,

the court shall declare the election of the returned candidate to be void.

(A Group) IV-2 Ex (270) — 7a
(2) If in the opinion of the district court, a returned candidate has been guilty by an agent of any corrupt practice, but the district court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate;
(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and
(c) that in all other respect the election was free from any corrupt practice on the part of the candidate or any of his agents,
then, the court may decide that the election of the returned candidate is not void.

CORRUPT PRACTICES.

60-C. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:

(1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act XLIII of 1951).
(2) Undue influences as defined in clause (2) of the said section.
(3) The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community, religion or the use of or appeal to, religious symbols, or, the use of or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate’s election.
(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate’s election.
(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:
Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:
Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression “vehicles” means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.
(6) The holding of any meeting in which intoxicating liquors are served.
(7) The issuing of any circular, placard or poster having a reference to election which does not bear the name and address of the printer and publisher thereof.
(8) Any other practice which the Government may, by rules, specify to be a corrupt practice.”.

Amendment of section 61.
69. In section 61 of the 1971 Act,—
(1) in the opening paragraph, for the words “the Government may”, the words “the State Election Commission in consultation with the Government may” shall be substituted:
(2) the proviso shall be omitted.

70. In section 62 of the 1971 Act,—

(1) in sub-section (1),—

(i) for clause (a) including the proviso thereunder, the following clause shall be substituted, namely :

"(a) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall, subject to the approval of the State Election Commission be fixed by the Government to take place on such days within three months before the occurrence of the vacancies as they may think fit;"

(ii) in clause (b), for the words "subject to the approval of the Government, be fixed by the Commissioner", the words "subject to the approval of the State Election Commission, be fixed by the Government" shall be substituted ;

(2) in sub-section (2), for the words "the Government", the words "the State Election Commission, in consultation with the Government" shall be substituted ;

(3) for sub-section (3), the following sub-section shall be substituted, namely :

"(3) A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.”.

71. In section 62-A of the 1971 Act, in sub-section (1),—

(1) for the expression "the Special Officer appointed under sub-section (1) of section 48-A, shall", the expression "the officer or authority referred to in section 48-A, in consultation with the State Election Commission, shall” shall be substituted ;

(2) the proviso shall be omitted.

72. Section 63 of the 1971 Act shall be omitted.

73. Section 64 of the 1971 Act shall be omitted.

74. In section 65 of the 1971 Act,—

(1) in the marginal heading, the words “and co-options” shall be omitted;

(2) the words “or co-options” shall be omitted.

75. In section 66 of the 1971 Act,—

(1) in the marginal heading, the words “and co-option” shall be omitted;

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

"(1) The Government may, in consultation with the State Election Commission, make rules regulating the procedure with regard to elections;"

(3) in sub-section (2), for clause (a), the following clause shall be substituted, namely :

"(a) provide for the adjudication by the district judge having jurisdiction of disputes arising out of elections ; and”.

76. After section 193 of the 1971 Act, the following heading and section shall be inserted, namely :

Insertion of new heading and new section 193-A.
193-A. Constitution of Finance Commission.—(1) The Finance Commission referred to in Article 243-I of the Constitution shall also review the financial position of the corporation and make recommendations to the Governor as to—

(a) the principles which should govern,

(i) the distribution between the State Government and the corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the State Government which may be divided between them and the allocation between the corporations of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the corporation;

(iii) the grants-in-aid to the corporation from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the corporation;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the corporation.

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Tamil Nadu Legislative Assembly.

77. In section 432 of the 1971 Act, in sub-section (2), for the words “every notification issued under this Act”, the expression “every notification issued under sub-section (2) of section 5-A, sub-section (2) of section 10-C or under any other provisions of this Act” shall be substituted.

78. In section 491 of the 1971 Act, in clause (j), for the words “the council or the standing committee”, the words “the council, the standing committee or the Wards Committee” shall be substituted.

79. After section 510 of the 1971 Act, the following sections shall be inserted, namely:

510-A. Transitory provision.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, if necessary, appoint a Special Officer to exercise the powers and discharge the functions of the corporation until the day on which the first meeting of the council is held after ordinary elections to the corporation after the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(2) The Special Officer appointed under sub-section (1) shall hold office only for six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 and no longer.

510-B. Powers, authority and responsibilities of the Municipal Corporation, standing committees, etc.—Save as otherwise provided in this Act, the Government may, by notification and subject to such conditions and restrictions as may be specified therein, entrust to the corporation, the standing committees, Wards Committees or any other committee constituted under this Act, with such powers and responsibilities with respect to the preparation of plans for economic development and social justice and also with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in Schedule-X.

510-C. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, the Government may, by an order published in the Tamil Nadu Government Gazette, make such
provisions, not inconsistent with the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(2) Every order made under sub-section (1), shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such order or the Assembly decides that the order should not be made, the order 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 order.”.

80. After Schedule VII to the 1971 Act, the following Schedules shall be added, namely:

“SCHEDULE-VIII.

(See section 5-A.)

THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES.

<table>
<thead>
<tr>
<th>Number</th>
<th>Name of Zone</th>
<th>Area of the zone</th>
<th>Number and name of the ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Zone I</td>
<td></td>
<td>1. Vilangudi</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. Bibikulam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. Lourdhu Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. Karpaga Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5. Pudur</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6. K. K. Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7. Arignar Anna Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8. Sethamangalam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9. Madhichiam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10. Alwarpuram</td>
</tr>
<tr>
<td></td>
<td>Zone II</td>
<td></td>
<td>11. Tallakulam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12. Reserve Line</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>13. Chockikulam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14. Nampeedu</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>15. Gdripalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>16. Sellur</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>17. Panthalkudi</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18. Ahimsapuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>19. Meanambalpuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20. Kailasapuram</td>
</tr>
<tr>
<td></td>
<td>Zone III</td>
<td></td>
<td>21. Thathaneri</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>22. Ponnagaram</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>23. Krishnapalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>24. Alagaradi</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>25. Arapalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>26. Viswasapuri</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>27. Melaponnagaram</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>28. S. S. Colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>29. Ellisnagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>30. Railway Colony</td>
</tr>
</tbody>
</table>
THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES—cont.

<table>
<thead>
<tr>
<th>Number.</th>
<th>Name of Zone.</th>
<th>Area of the zone</th>
<th>Number and name of the ward.</th>
</tr>
</thead>
</table>

SCHEDULE-IX.

*POWERS AND FUNCTIONS OF THE WARDS COMMITTEE.*

(1) Sanction estimates and plans for municipal works to be carried out within the zone costing up to rupees five lakhs, other than works taken up and executed for Madurai as a whole or those covering more than one zone, provided that specific provision exists therefor in the budget sanctioned by the corporation.

(2) Call for any report, return, plan, estimate, statement, account or statistics from the Commissioner, connected with matter pertaining to the municipal administration in the zone.
(3) Scrutinize monthly statements of receipts and disbursements and of the progress reports in the collection of revenue in the zone.

(4) Consider and make recommendations on the proposals regarding estimates of revenue and expenditure pertaining to the zone under different heads of account of the budget before being forwarded to the Commissioner.

(5) Report or advice upon any matter which the corporation may refer to it under the Act.

(6) Deal with such other matters as may be delegated by the corporation to the Wards Committee.

(7) In general exercise all such municipal powers and functions of the corporation as are to be performed exclusively in the zone concerned other than those relating to Madurai as a whole or involving two or more zones.

SCHEDULE X.
(See section 510-B.)

1. Planning for economic and social development.
2. Roads and bridges.
3. Water supply for domestic, industrial and commercial purposes.
4. Public health, sanitation, conservancy and solid waste management.
5. Urban forestry, protection of the environment and promotion of ecological aspects.
6. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
7. Slum improvement and upgradation.
8. Urban poverty alleviation.
9. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
10. Promotion of cultural, educational and aesthetic aspects.
11. Burials and burial grounds, cremations, cremation grounds and electric crematoriums.
12. Cattle ponds; prevention of cruelty to animals.
13. Vital statistics including registration of Births and Deaths.
14. Public amenities including street lighting, parking lots, bus stops and public conveniences.
15. Regulation of slaughter houses and tanneries.”

PART-IV.
AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

81. In section 2 of the Coimbatore City Municipal Corporation Act, 1981 Amendment of (hereinafter in this Part referred to as the 1981 Act),—

(1) clause (12-A) shall be omitted;

(A Group) IV-2 Ex. (270)—8
(25-A) "Municipal area" means the territorial area of the Municipal Corporation of Coimbatore as is notified by the Governor under clause (d) of Article 243-P of the Constitution;"

(3) after clause (41), the following clauses shall be inserted, namely:

"(41-A) "State Election Commission" means the State Election Commissioner referred to in section 10-D;"

(41-B) "State Election Commissioner" means the State Election Commissioner referred to in section 10-D;"

(4) after clause (42), the following clause shall be inserted, namely:

"(42-A) "Wards Committee" means the Wards Committee referred to in section 10-A;"

(5) after clause (44), the following clause shall be added, namely:

"(45) "Zone" means a zone referred to in section 5-A.".

Amendment of section 3.

82. In section 3 of the 1981 Act, in sub-section (3),

(1) in clause (b), the word "and" occurring at the end shall be omitted;

(2) after clause (b), as so amended, the following clause shall be inserted, namely:

"(bb) the Wards Committee; and".

Substitution of new sections 5, 5A and 5B for section 5.

83. For section 5 of the 1981 Act, the following sections shall be substituted, namely:

5. Constitution of the council.—(1) The council shall consist of seventy-two councillors elected in the manner laid down in this Act.

(2) The following persons shall also be represented in the council, namely:

(a) five persons who are not less than twenty-five years of age and who have special knowledge or experience in municipal administration, to be nominated by the Government:

Provided that the person nominated under this clause shall not have the right to vote in the meetings of the council;

(b) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(c) as nearly as possible one-fifth of the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation to be nominated by the Speaker of the Legislative Assembly by rotation every year:

Provided that while nominating such members by rotation, the Speaker of the Legislative Assembly shall ensure that as far as possible all the members representing constituencies which comprise wholly or partly the area of the corporation are given an opportunity of being represented in the council at least once during the duration of the council;

(d) the Chairpersons of the Committees, if any, constituted under sections 6 and 10, if they are not councillors.

(3) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the City or of the Scheduled Tribes in that City bears to the total population of the City;
Provided that for the first election to the council to be held immediately after the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, the provisional population figures of the City as published in relation to 1991 census shall be deemed to be the population of the City as ascertained in that census.

(4) Seats shall be reserved for women belonging to the Scheduled castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and Scheduled Tribes, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(5) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the council.

(6) The reservation of seats under sub-sections (3) and (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

5-A. Division of City into zones.—(1) The City shall be divided into number of zones specified in column (1) of Schedule VIII and each zone shall be known by the name specified in column (2) of that Schedule and each zone shall extend to the areas comprised in the divisions specified against that zone in column (3) of the said Schedule.

(2) The Government may, after consultation with the corporation, from time to time, by notification, alter the names, increase or diminish the area of any zone specified in column (3) of Schedule VIII.

5-B. Duration of corporation.—(1) The corporation, unless sooner dissolved under section 50, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer.

(2) An election to constitute the corporation shall be completed—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the corporation for such period.”.

84. In section 7 of the 1981 Act,—

(1) in sub-section (1),—

(a) for the words “from among members”, the words “from among its members who is a councillor” shall be substituted;

(b) after the proviso, the following proviso shall be added, namely :

“Provided further that in every standing committee, there shall be one member elected by the members of each Wards Committee from among themselves at the first meeting of the Wards Committee.”;

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

“(2) A member of a standing committee or a Wards Committee, if he ceases to be a councillor or ceases to represent any of the categories mentioned in clauses (b) and (c) of sub-section (2) of section 5 shall, cease to be a member of that committee and his seat shall thereupon become vacant.”.

85. After section 9 of the 1981 Act, the following section shall be inserted, namely :

“9-A. Preparation of development plan.—The council shall prepare every year a development plan for the city of Coimbatore and submit it to the District Planning Committee, having jurisdiction over the City of Coimbatore, constituted under section 241 of the Tamil Nadu Panchayats Act, 1994.”.
86. After section 10 of the 1981 Act, the following headings and sections shall be inserted, namely:

THE WARDS COMMITTEES.

10-A. Constitution of Wards Committee.—(1) For each zone there shall be a Wards Committee which shall consist of,—

(a) all the councillors elected from the divisions comprised in that zone; and

(b) the person, if any, nominated by the Government under clause (a) of sub-section (2) of section 5, if his name is registered as an elector within the territorial limits of the zone concerned.

(2) The Wards Committee shall be deemed to have been constituted from the date on which the corporation is constituted after each ordinary election.

10-B. Application of sections 7 and 8.—The provisions of sections 7 and 8 shall apply in relation to the election of Chairman of a Wards Committee as they apply in relation to the election of Chairman of a standing committee.

10-C. Powers and functions of Wards Committee.—(1) Subject to the provisions of this Act, every Wards Committee shall exercise the powers and perform the functions as specified in Schedule IX on behalf of the corporation in relation to that zone.

(2) The Government may, after consultation with the corporation, by notification, amend Schedule IX.

(3) When any question arises as to whether any matter falls within the purview of a Wards committee or the corporation, it shall be referred to the Government and the decision of the Government thereon shall be final.

(4) The procedure to be adopted by the Wards Committee for transaction of its business shall be such as may be prescribed.

(5) The duration of the Wards Committee shall be co-extensive with the duration of the corporation.

THE STATE ELECTION COMMISSION.

10-D. Elections to corporation.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the corporation shall be vested in the State Election Commission consisting of a State Election Commissioner to be appointed by the Governor under Article 243-K of the Constitution.

(2) The Governor shall, when so requested by the State Election Commission make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1).
Provided also that no councillor shall be eligible to stand for election as Mayor.

(2) The election of the Mayor may be held ordinarily at the same times and in the same places as the ordinary elections of the councillors of the divisions are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

89. For section 30 of the 1981 Act, the following section shall be substituted, namely:

"30. Election of Deputy Mayor.—(1) The Deputy Mayor shall be elected by the councillors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

(3) The Deputy Mayor shall hold office for a period of one year from the date of his election and he shall continue as such Deputy Mayor until the election of his successor in office, provided that in the meantime he does not cease to be a councillor."

90. Section 31 of the 1981 Act shall be omitted.

91. For section 32 of the 1981 Act, the following section shall be substituted, namely:

"32. Re-eligibility of Mayor and Deputy Mayor.—An outgoing Mayor or Deputy Mayor is eligible for re-election."

92. In section 34 of the 1981 Act—

(1) in sub-section (1), for the words "by a councillor chosen by the meeting to preside for the occasion", the expression "the councillors and the persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5 shall elect one from among the councillors to preside for the occasion" shall be substituted;

(2) in sub-section (2), for the words "a standing committee", the words "a standing committee or a Wards Committee" shall be substituted.

93. In section 35 of the 1981 Act—

(1) in sub-section (1), for the words "any standing committee", the words "any standing committee, Wards Committee" shall be substituted;

(2) in sub-section (2) for the words "of any standing committee or", the words "of any standing committee, Wards Committee or" shall be substituted.

94. In section 36 of the 1981 Act—

(1) in sub-section (1),

(a) for the words "No councillor", the expression "No councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted;

(b) after the words "any standing committee", the words "or Wards Committee" shall be inserted;
(2) in sub-section (2), for the word "councillor" wherever it occurs, the expression "councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted;

(3) in sub-section (3), for the words "such councillor", the expression "such councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted;

(4) in sub-section (4), for the word "councillor" in both the places where it occurs, the expression "councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted.

(5) in sub-section (5), for the words "councillor concerned", the expression "councillor concerned or persons concerned referred to in clauses (b), (c) and (d) of sub-section (2) of section 5" shall be substituted.

Amendment of section 37.

95. In section 37 of the 1981 Act, after the words "Chairman of a standing committee or other committees", the words "or any member or Chairman of a Wards Committee" shall be inserted.

Amendment of section 38.

96. In section 38 of the 1981 Act, for the words "standing committee", the words "standing committee or Wards Committee" shall be substituted.

Amendment of section 40.

97. In section 40 of the 1981 Act,—

(1) in sub-section (1),—

(a) for the words "every standing committee", the words "every standing committee, Wards Committee" shall be substituted;

(b) after the words "the Chairman of any standing committee", the words "or Wards Committee" shall be inserted;

(2) in sub-section (2), for the words, "standing committee" in both the places where they occur, the words "standing committee or Wards Committee" shall be substituted.

Amendment of section 48.

98. In section 48 of the 1981 Act, for the words "the standing committee", the words "the standing committees, Wards Committees" shall be substituted.

Amendment of section 50.

99. In section 50 of the 1981 Act—

(1) for the marginal heading, the following marginal heading shall be substituted, namely:

"Government's power to dissolve the Corporation".

(2) for sub-section (1) including the proviso thereunder, the following sub-section shall be substituted, namely :

"(1) If, in the opinion of the Government, the corporation is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, the Government may, by notification,—

(a) dissolve the corporation from a specified date; and

(b) direct that the corporation be reconstituted with effect from a date which shall not be later than six months from the date of dissolution.

(1-A) An election to reconstitute the corporation shall be completed before the expiration of a period of six months from the date of its dissolution.");

(3) in sub-section (4), after the words "have vacated their offices", the expression "and the persons referred to in sub-section (2) of section 5 shall cease to be represented in the council" shall be inserted;

(4) in sub-section (5),—

(a) in the opening portion, for the word "Supersession", the word "Dissolution" shall be substituted;
(b) in clause (b), for the words "during the period of supersession", the words "during the period of dissolution" shall be substituted;

(c) in clause (c), for the words "during the period of supersession", the words "during the period of dissolution" shall be substituted;

(5) sub-section (6) shall be omitted;

(6) in sub-section (7), the expression "or sub-section (6)" shall be omitted;

(7) for sub-section (8) including the proviso thereunder, the following sub-section shall be substituted, namely:

"(8) All the newly elected councillors of the reconstituted corporation shall enter upon their offices on the date fixed for its reconstitution and they shall hold their offices only for the remainder of the period for which the dissolved corporation would have continued under sub-section (1) of section 5-B, had it not been dissolved."

(8) sub-section (9) shall be omitted;

(9) in sub-section (10), the words "or superseded" and the words "or supersession" shall be omitted.

100. After section 50 of the 1981 Act, the following section shall be inserted, namely:

"50-A. Delegation of power by Government.—The Government may, by notification, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification be exercisable by the corporation or any of its officers or by the Commissioner or any other authority."

101. In section 53 of the 1981 Act,—

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

"(1) The electoral roll of the corporation shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of law for the time being in force in the corporation and shall be deemed to be the list of voters of the corporation for the purposes of this Act and that no amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for election in the corporation and before the notification of the result of such election, shall form part of the list of voters for such election, for the purpose of this section;"

(2) in sub-section (6), in clause (d), for the words "the Government", the words "the State Election Commission" shall be substituted.

102. In section 54 of the 1981 Act,—

(1) in sub-section (1),—

(a) in the opening portion, for the words "Any person authorised in this behalf by the Government", the words "Any officer of the Government or the corporation authorised in this behalf by the State Election Commission, in consultation with the Government" shall be substituted;

(b) in the Explanation, after the expression "disqualifications specified in sub-section (2) of section 53", the following shall be inserted, namely:

"or who is disqualified to be included in such part of the electoral roll for any territorial constituency of the Tamil Nadu Legislative Assembly as relates to that division;"

(2) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:

"(1-A) To assist the person authorised under sub-section (1), the State Election Commission may employ such persons as it thinks fit;"

(3) in sub-section (2), for the words "the Government", the words "the State Election Commission" shall be substituted;
103. In section 57 of the 1981 Act,—

(1) in sub-section (1), in the opening portion, the words “or co-optioh shall be omitted;

(2) in sub-section (2),—

(a) the words “or co-option” occurring in both the places shall be omitted;
(b) for the words “the Government”, the words “the Governor” shall be substituted;

(3) after sub-section (2), as so amended, the following sub-section shall be inserted, namely:

“(3) Before taking any decision on any such question, the Governor shall obtain the opinion of the State Election Commission and shall act according to such opinion.”.

104. After section 57 of the 1981 Act, the following sections shall be inserted, namely:

“57-A. Powers of State Election Commission.—(1) Where in connection with the tendering of any opinion to the Governor under sub-section (3) of section 57, the State Election Commission considers it necessary or proper to make an inquiry, and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have, for the purpose of such inquiry, the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;
(b) requiring the discovery and production of any document or other material object producible as evidence;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or a copy thereof from any court or office;
(e) issuing commissions for the examination of witnesses or documents.

(2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry.

(3) The Commission shall be deemed to be a civil court and when any such offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (Central Act XLV of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (Central Act XLV of 1860).
57-B. Statements made by persons to the State Election Commission.—No statement made by a person in the course of giving evidence before the State Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(a) is made in reply to a question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry.

57-C. Procedure to be followed by the State Election Commission.—The State Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sitting and deciding whether to sit in public or in private).

57-D. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the State Election Commission or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of sections 57-A to 57-C or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.”.

105. In section 58 of the 1981 Act—

(1) in sub-section (1), the words “or co-option” shall be omitted;

(2) in sub-section (2), the words “or co-option” shall be omitted;

(3) in sub-section (3), the words “or co-option” wherever they occur, shall be omitted;

(4) in sub-section (4), for the words “the Government”, the words “the State Election Commission” shall be substituted.

106. In section 59 of the 1981 Act—

(1) in sub-section (1), in the opening portion, for the words “a councillor”, the expression “a councillor or a person referred to in clauses (b), (c) or (d) of sub-section (2) of section 5” shall be substituted;

(2) in sub-section (2), for the words “the Government”, the words “the State Election Commission” shall be substituted;

(3) in sub-section (3), the words “or co-opted” occurring in both the places shall be omitted.

107. For section 61 of the 1981 Act, the following section shall be substituted, namely:

“61. Oath or affirmation.—(1) Every councillor and every person nominated under clause (a) of sub-section (2) of section 5, before taking his seat, shall make and subscribe at a meeting of the council an oath or affirmation according to the following form, namely:

“I, A. B. having been elected as a councillor of this council do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.”
(2) If a person sits or votes as a councillor or sits as a representative nominated under clause (a) of sub-section (2) of section 57 before he has complied with the requirements of sub-section (1), he shall be liable in respect of each day on which he sits or votes, as the case may be, to a penalty of three hundred rupees to be recovered as arrears of tax under this Act.”

Amendment of section 62.

108. In section 62 of the 1981 Act, in sub-sections (1) and (2), the expression “sub-section (1) of section 57, section 58” shall be omitted.


“DISPUTES REGARDING ELECTIONS.

62-A. Election petitions.—(1) No election of a councillor shall be called in question except by an election petition presented to the District Judge having jurisdiction within fifteen days from the date of the publication of the result of the election under section 67.

(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 62-B by any candidate at such election, by any elector of the division concerned or by any councillor.

(3) A petitioner shall join as respondents to his petition all the candidates at the election.

(4) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the verification of pleadings.

62-B. Grounds for declaring elections to be void.—(1) Subject to the provisions of sub-section (2), if the District Judge is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a councillor under this Act, or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the consent of a returned candidate or his agent, or

(c) that any nomination paper has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his agent or a person acting with the consent of such candidate or agent, or

(iii) by the improper acceptance or refusal of any vote or reception of any vote which is void,

(iv) by the non-compliance with the provisions of this Act or any rules or orders made thereunder, the District Court shall declare the election of the returned candidate to be void.
(2) If in the opinion of the District Court a returned candidate has been guilty by an agent of any corrupt practice but the District Court is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate;

(b) that the candidate took all reasonable means for preventing the commission of corrupt practices at the election; and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the District Court decide that the election of the returned candidate is not void.

CORRUPT PRACTICES.

62-C. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of this Act:

(1) Bribery as defined in clause (1) of section 123 of the Representation of the People Act, 1951 (Central Act XLIII of 1951).

(2) Undue influence as defined in clause (2) of the said section.

(3) The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal to religious symbols or the use of or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal from contest of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate’s election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of any elector (other than the candidate himself and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The holding of any meeting in which intoxicating liquors are served.

(7) The issuing of any circular, placard or poster having a reference to election which does not bear the name and address of the printer and publisher thereof.

(8) Any other practice which the Government may by rules specify to be a corrupt practice."
110. In section 63 of the 1981 Act,—

(1) in the opening paragraph, for the words "the Government may", the words "the State Election Commission in consultation with the Government may" shall be substituted;

(2) the proviso shall be omitted.

111. In section 64 of the 1981 Act,—

(1) in sub-section (1),—

(i) for clause (a) including the proviso thereunder, the following clause shall be substituted, namely:—

"(a) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall, subject to the approval of the State Election Commission be fixed by the Government to take place on such days within three months before the occurrence of the vacancies as they may think fit;",

(ii) in clause (b), for the words "subject to the approval of the Government be fixed by the Commissioner", the words "subject to the approval of the State Election Commission, be fixed by the Government" shall be substituted;

(2) in sub-section (2), for the words "the Government" the words "the State Election Commission in consultation with the Government" shall be substituted;

(3) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.".

112. Section 65 of the 1981 Act shall be omitted.

113. Section 66 of the 1981 Act shall be omitted.

114. In section 67 of the 1981 Act,—

(1) in the marginal heading, the words "and co-options" shall be omitted;

(2) the words "or co-options" shall be omitted.

115. In section 68 of the 1981 Act,—

(1) in the marginal heading, the words "and co-options" shall be omitted;

(2) for sub-section (1), the following sub-section shall be substituted, namely;—

"(1) The Government may, in consultation with the State Election Commission make rules regulating the procedure with regard to elections:"

(3) in sub-section (2), for clause (a), the following clause shall be substituted, namely;—

"(a) provide for the adjucidation by the District Judge having jurisdiction, of disputes arising out of elections; and".

116. After section 193 of the 1981 Act, the following heading and section shall be inserted, namely:—

"FINANCE COMMISSION

193-A. Constitution of Finance Commission.— (1) The Finance Commission referred to in Article 263-C of the Constitution shall also review the financial position of the corporation and make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the Government and the corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the
Government which may be divided between them and the allocation between the corporations of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the corporation;

(iii) the grants-in-aid to the corporation from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the corporations;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the corporation.

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Tamil Nadu Legislative Assembly.

117. In section 431 of the 1981 Act, in sub-section (2), for the words “every notification issued under this Act”, the expression “every notification issued under sub-section (2) of section 5-A, sub-section (2) of section 10-C or under any other provisions of this Act” shall be substituted.

118. In section 490 of the 1981 Act, in clause (j), for the words “the council or the standing committee”, the words “the council, the standing committee or the Wards Committee” shall be substituted.

119. After section 511 of the 1981 Act, the following sections shall be inserted, namely:

“511-A. Transitory provision.—(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, if necessary, appoint a Special Officer to exercise the powers and discharge the functions of the corporation until the day on which the first meeting of the council is held after ordinary elections to the corporation after the commencement of Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(2) The Special Officer appointed under sub-section (1) shall hold office only for six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 and no longer.

511-B. Powers, authority and responsibilities of the Municipal Corporation, standing committees, etc.—Save as otherwise provided in this Act, the Government may, by notification and subject to such conditions and restrictions as may be specified therein, entrust to the corporation, the standing committees, Wards Committees or any other committee constituted under this Act, with such powers and responsibilities with respect to the preparation of plans for economic development and social justice and also with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in Schedule X

511-C. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 the Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, as appear to them to be necessary or expedient for removing the difficulty.

Provided that no such order shall be made after the expiry of two years from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.
(2) Every order made under sub-section (1) shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such order or the Assembly decides that the order should not be made, the order 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 order.

120. After Schedule VII to the 1981 Act, the following Schedules shall be added, namely:

"SCHEDULE VIII.

(See section 5-)

THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES.

<table>
<thead>
<tr>
<th>Number</th>
<th>Name of zone</th>
<th>Area of the zone number and name of the division</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Zone I</td>
<td>1. Peelamedu</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Peelamedu East Part</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Peelamedu East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. S.I.H.S. Colony, Ondipudur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5. Ondipudur North</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6. Ondipudur (South)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Singanallur (East)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7. Kalli Madai</td>
</tr>
<tr>
<td></td>
<td></td>
<td>8. Krishnapuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9. Neelikonampalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ramanuja Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10. Masakalipalayam</td>
</tr>
<tr>
<td>2</td>
<td>Zone II</td>
<td>11. Uppilipalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12. Nanjundapuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13. Bye-pass and Kavery Nagar Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14. Sowripalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15. Udayampalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>16. Peelamedupudur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17. Krishnarayapuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18. Sidhapu Pudur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>19. Pappanaickenpalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pappanaickenpalayam East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20. Pappanaickenpalayam East</td>
</tr>
<tr>
<td>3</td>
<td>Zone III</td>
<td>21. Pulliakulam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>22. Pankaja Mill Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>23. Ramanathapuram East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>24. Ramanathapuram West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>25. C. M. C Medical Hospital Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26. Race Course</td>
</tr>
<tr>
<td></td>
<td></td>
<td>27. Kattor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28. Ram Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>29. Siddapudur West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>30. Gandhipuram East</td>
</tr>
<tr>
<td>4</td>
<td>Zone IV</td>
<td>31. Ramnagar North</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32. Tatabed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>33. Sivananda Colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>34. Bharathi Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td>35. Ramarajapuram Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>36. Thilagaraya New Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Part Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>37. Mamakkadai</td>
</tr>
<tr>
<td></td>
<td></td>
<td>38. Union High School</td>
</tr>
<tr>
<td></td>
<td></td>
<td>39. Kottai East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40. Kottai West</td>
</tr>
</tbody>
</table>
### THE NUMBER, NAMES AND AREAS OF VARIOUS ZONES—cont.

<table>
<thead>
<tr>
<th>Number</th>
<th>Name of zone</th>
<th>Area of the zone/number and name of the division</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Zone V</td>
<td>41. Ukkadam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>42. Selvakaimanikulan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>43. Dharamaraja Koil Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>44. Therthidal Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>45. Pasuvanam Koil Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>46. Marakka Naajappar Street</td>
</tr>
<tr>
<td></td>
<td></td>
<td>47. Teppakulam Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>48. Light House Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>49. R. S. Puram North</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50. R. S. Puram West, Thadagam Road Cross</td>
</tr>
<tr>
<td>6</td>
<td>Zone VI</td>
<td>51. R. S. Puram South</td>
</tr>
<tr>
<td></td>
<td></td>
<td>52. Ponnaiya Rajapuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td>53. Selvapuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td>54. Attupalam and South Housing Unit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>55. Telungpalayam Muthusamy Colony Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>56. Chokkanpudur and North Housing Unit Area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>57. Poosaripalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kumarsamy Tank</td>
</tr>
<tr>
<td></td>
<td></td>
<td>58. Seeranaickenpalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>59. Papparaiicken Purur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>60. Velandipalayam and Kolmedu</td>
</tr>
<tr>
<td>7</td>
<td>Zone VII</td>
<td>61. Venkitespuram and Jawaharpuram</td>
</tr>
<tr>
<td></td>
<td></td>
<td>62. K. K. Pudur West and Saibaba Colony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>63. Kuppakonampudur</td>
</tr>
<tr>
<td></td>
<td></td>
<td>64. K. K. Pudur (East)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>65. Nallampalayam</td>
</tr>
<tr>
<td></td>
<td></td>
<td>66. Sanganoor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>67. Rathanapuri West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>68. Rathanapuri Centre</td>
</tr>
<tr>
<td></td>
<td></td>
<td>69. Rathanapuri East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>70. Garapathy Pudur Part</td>
</tr>
<tr>
<td></td>
<td></td>
<td>71. Garapathy Part</td>
</tr>
<tr>
<td></td>
<td></td>
<td>72. Garapathy</td>
</tr>
</tbody>
</table>

### SCHEDULE IX.

(See section 10-C)

**POWERS AND FUNCTIONS OF THE WARDS COMMITTEE.**

1. Sanction estimates and plans for municipal works to be carried out within the zone costing up to rupees five lakhs other than works taken up and executed for Coimbatore as a whole or those covering more than one zone, provided that specific provision exists therefor in the budget sanctioned by the corporation.

2. Call for any report, return, plan, estimate, statement, account or statistics from the Commissioner, connected with the matter pertaining to the municipal administration in the zone.

3. Scrutinise monthly statements of receipts and disbursements and of the progress reports in the collection of revenue in the zone.

4. Consider and make recommendations on the proposals regarding estimates of revenue and expenditure pertaining to the zone under different heads of account of the budget before being forwarded to the Commissioner.
(5) Report or advise upon any matter which the corporation may refer to it under the Act.

(6) Deal with such other matters as may be delegated by the corporation to the Wards Committee.

(7) In general exercise all such municipal powers and functions of the corporation as are to be performed exclusively in the zone concerned other than those relating to Coimbatore as a whole or involving two or more zones.

SCHEDULE X.

(See section 511-B.)

1. Planning for economic and social development.
2. Roads and bridges.
3. Water supply for domestic, industrial and commercial purposes.
4. Public health, sanitation, conservancy and solid waste management.
5. Urban forestry, protection of the environment and promotion of ecological aspects.
6. Safeguarding the interests of weaker sections of society, including the handi capped and mentally retarded.
7. Slum improvement and upgradation.
8. Urban poverty alleviation.
9. Provision of urban amenities and facilities such as parks, gardens, playgrounds.
10. Promotion of cultural, educational and aesthetic aspects.
11. Burials and burial grounds; cremations, cremation grounds and electric crematoriums.
12. Cattle ponds; prevention of cruelty to animals.
13. Vital statistics, including registration of Births and Deaths.
14. Public amenities including street lighting, parking lots, bus stops and public conveniences.
15. Regulation of slaughter houses and tanneries.

PART V.

SPECIAL PROVISION FOR RESERVATION OF OFFICES OF MAYOR.

121. Out of total number of offices of the Mayor in this State, one shall be reserved for the members belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, and two shall be reserved for women.

Provided that the offices of Mayor reserved under this section shall be allotted by rotation to different municipal corporations in the State in such manner as may be prescribed before the ordinary elections to the municipal corporations in the State.

Reservation of the office of Mayor for the members of the Scheduled Castes or the Scheduled Tribes and for women.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Dept.
The following Act of the Tamil Nadu Legislative Assemb of the Governor on the 17th May 1994 and is hereby information:—

ACT No. 27 OF 1994.

An Act to provide for the establishment of a Municipuraion for the City of Tiruchirappalli.

BE it enacted by the Legislative Assembly of the State of Tamil N. fifth Year of the Republic of India as follows:

1. (1) This Act may be called the Tiruchirappalli City Munici pation Act, 1994.
(2) It extends to the City of Tiruchirappalli.
(3) It shall come into force on such date, as the Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—
(a) "City of Tiruchirappalli" or "City" means the local area comprised in the Tiruchirappalli Municipality and includes any local area which after the date of the commencement of this Act, is included in the City but does not include any local area which after such date of the commencement is excluded from the City;
(b) "Corporation" means the Municipal Corporation of Tiruchirappalli constituted under section 3;
(c) "Council" means the Municipal Council of Tiruchirappalli;
(d) "date of the commencement of this Act" means the date appointed under sub-section (3) of section 1;
(e) "Government" means the State Government;
(f) "Municipality" means the Tiruchirappalli Municipality;
(g) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively, assigned to them in clauses (24) and (25) of Article 366 of the Constitution;
(h) all words and expressions used in this Act and not defined but defined in the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act), shall have the meanings, respectively, assigned to them in the 1981 Act.

3. (1) With effect on and from the date of the commencement of this Act, the local area included in the Tiruchirappalli Municipality shall constitute the City of Tiruchirappalli for purposes of this Act; and from such date of the commencement, a municipal corporation shall be deemed to have been established for the said City by the name of Tiruchirappalli Municipal Corporation:

Provided that the Government may, from time to time, after consultation with the corporation, by notification, alter the limits of the City constituted under this sub-section so as to include therein or to exclude therefrom the areas specified in the notification:

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The Corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Tiruchirappalli Municipality, functioning immediately before the date of the commencement of this Act, shall be deemed to have been abolished from such commencement.

(A Group) IV-2 Ex. (270)—10
municipal authorities.

4. The municipal authorities charged with carrying out the provisions of this Act shall be,—

(1) a council;

(2) a standing committee;

(3) a Commissioner; and

(4) a wards committee.

5. (1) Save as otherwise provided in sub-section (2), the council shall consist of such number of councillors elected in the manner laid down in this Act as may be fixed by the Government, by notification, from time to time, so, however, that the total number of councillors of the council shall not exceed seventy-two at any time.

(2) The following persons shall also be represented in the council, namely:

(e) not more than two persons who are not less than twenty-five years of age and who have special knowledge or experience in municipal administration, to be nominated by the Government:

Provided that the person nominated under this clause shall not have the right to vote in the meetings of the council;

(b) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(c) as nearly as possible on-fifth of the members of the State Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation to be nominated by the Speaker of the Legislative Assembly by rotation every year:

Provided that while nominating such members by rotation, the Speaker of the Legislative Assembly, shall ensure that as far as possible all the members representing constituencies which comprise wholly or partly the area of the corporation are given an opportunity of being represented in the council at least once during the duration of the council;

(d) the Chairperson of the committee, if any, constituted and if they are not councillors.

(3) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the City or of the Scheduled Tribes in the City bears to the total population of the City:

Provided that for the first election to be held immediately after the date of the commencement of this Act, the provisional population figures of the City as published in relation to 1991 census shall be deemed to be the population of the City as ascertained in that census.

(4) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(5) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the council.

(6) The reservation of seats under sub-sections (3) and (4) shall cease to have effect on the expiry of the period specified in Article 334 of the Constitution.
6. (1) The corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the said period of five years shall operate as a dissolution of the corporation.

(2) An election to constitute the corporation shall be completed,—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued, is less than six months, it shall not be necessary to hold any election, under this sub-section for constituting the corporation for such period.

7. (1) Subject to the provisions of sub-sections (2) and (3), the Tamil Nadu District Municipalities Act, 1920 (hereafter in this section referred to as the "District Municipalities Act") shall, with effect on and from the date of the commencement of this Act, cease to apply to the local area comprised within the City of Tiruchirappalli.

(2) Such cesser shall not affect,—

(a) the previous operation of the District Municipalities Act, in respect of the local area comprised within the City of Tiruchirappalli,

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the District Municipalities Act, or

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such penalty, forfeiture or punishment may be imposed as if this Act, had not been passed.

3) Notwithstanding anything contained in sub-section (1), all appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers, made or issued or conferred under the District Municipalities Act, and in force on the date of the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force in the local area comprised within the City of Tiruchirappalli until they are replaced by the appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers to be made or issued or conferred under this Act.

8. (1) Save as otherwise expressly provided herein, all the provisions of the 1981 Act, including the provisions relating to the levy and collection of any tax or fee are hereby extended to and shall apply, mutatis mutandis to the corporation and the 1981 Act shall, in relation to the corporation be read and construed as if the provisions of this Act had formed part of the 1981 Act.

(2) For the purpose of facilitating the application of the provisions of the 1981 Act to the corporation, the Government may, by notification, make such adaptations and modifications of the 1981 Act and the rules and bye-laws made thereunder, whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon, the 1981 Act and the rules made thereunder, shall apply to the corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the 1981 Act, or the rules and bye-laws made thereunder, any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the corporation, construe these provisions in such manner, without affecting the substance, as may be necessary or proper having regard to the matter before the court, tribunal or authority.
9. (1) All property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the council, with all rights of whatever kind used, enjoyed or possessed by the said council, as well as all liabilities legally subsisting against the said council, shall, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said council on the date of such commencement may be recovered as if they had accrued to the corporation and may be recovered as if the said arrears or payments had become due, under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of the commencement of this Act, were being levied by the said council, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against, the council or authority or any person under the District Municipalities Act, may be continued by, or against, the corporation, authority or person as if the said proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the District Municipalities Act, by any authority before the date of such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee who, immediately before the date of such commencement was in the service of the municipality shall, on and from the date of the commencement of this Act, be deemed to be an officer or employee of the corporation:

Provided that:

(a) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the corporation shall not be less favourable than those applicable to such employees immediately before the date of such commencement, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(2) the service rendered by any such officer or other employee under the municipality up to the date of such commencement shall be deemed to be service under the corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that any officer or other employee serving in the municipality shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be retained in the service constituted under section 23-A of the District Municipalities Act, or to be retrenched from the service of the municipality on such retrenchment benefits as may be prescribed.

(7) Any division of the Tiruchirappalli Municipality into wards made under the District Municipalities Act, and in force on the date of the commencement of this Act shall be deemed to be a division of the corporation until altered.
The electoral roll prepared for the Tiruchirappalli Municipality under the District Municipalities Act, and in force on the date of the commencement of this Act, shall be deemed to be the electoral roll for the corporation until a new electoral roll is prepared and published and the part of the said electoral roll relating to each ward of the municipality shall be deemed to be the list of the electoral roll for the corresponding division of the corporation.

10. (1) There shall be appointed by the Government, by notification, a Special Officer to exercise the powers, perform the duties and discharge the functions of—

(1) the council,

(2) the standing committee,

(3) the Commissioner, and

(4) the wards committee.

(2) The Government shall cause elections to be held to the corporation so that the newly elected councillors and the Mayor may come into office within a period of six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(3) The Special Officer shall exercise the powers, perform the duties and discharge the functions—

(a) of the corporation, until the elected councillors come into office;

(b) of the standing committee, until a standing committee is appointed by the corporation; and

(c) of the commissioner, until a Commissioner is appointed by the Government and such officer may, if the Government so direct, receive remuneration for his services from the municipal fund.

(4) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the municipality functioning immediately before the date of the commencement of this Act shall be deemed to be the Special Officer of the corporation and he shall exercise the powers and perform the duties and discharge the functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

(5) The Special Officer referred to in sub-section (1) or in sub-section (4) shall hold office only for six months from the date of the commencement of this Act and no longer.

11. (1) The Government may make rules for carrying out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(3) Every rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order 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 or order.
12. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty; provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 28th June 1994 and is hereby published for general information:

**ACT No. 42 of 1994.**

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows:

**PART I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1994.

(2) (a) The provisions of this Act, except section 3, shall be deemed to have come into force on the 1st day of April 1994.

(b) Section 3 shall be deemed to have come into force on the 18th day of October 1990.

**PART II.**

Amendment to the Madras City Municipal Corporation Act, 1919.

2. In section 101 of the Madras City Municipal Corporation Act, 1919, in clause (c), for the words "places used for the charitable purpose", the words "buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose" shall be substituted.

**PART III.**

Amendment to the Tamil Nadu District Municipalities Act, 1920.

3. In sub-section (1) of section 83 of the Tamil Nadu District Municipalities Act, 1920, in clause (c), for the words "public buildings and places used for the charitable purpose", the words "buildings used for educational purpose including hostels attached thereto, public buildings and places used for the charitable purpose" shall be substituted.

**PART IV.**

Amendment to the Madurai City Municipal Corporation Act, 1971.

4. In section 122 of the Madurai City Municipal Corporation Act, 1971, in clause (c), for the words "places used for the charitable purpose", the words "buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose" shall be substituted.

**PART V.**

Amendment to the Coimbatore City Municipal Corporation Act, 1981.

5. In section 123 of the Coimbatore City Municipal Corporation Act, 1981, in clause (c), for the words "buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose" shall be substituted.

(By order of the Governor)

M. MUNIRAMAN.

Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 26th November 1994 and is hereby published for general information:

ACT No. 53 OF 1994.

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly, of the State of Tamil Nadu in the Forty-fifth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1994.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 414 of the Madras City Municipal Corporation Act, 1919, in sub-section (2), for the expression "only for six months from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994", the expression "up to the 31st day of December 1995" shall be substituted.

PART III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. In section 375 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (2), for the expression, "only for six months from the date of commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994", the expression "up to the 31st day of December 1995" shall be substituted.

PART IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 510-A of the Madurai City Municipal Corporation Act, 1971, in sub-section (2), for the expression "only for six months from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994", the expression "up to the 31st day of December 1995" shall be substituted.

PART V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 511-A of the Coimbatore City Municipal Corporation Act, 1981, in sub-section (2), for the expression "only for six months from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994", the expression "up to the 31st day of December 1995" shall be substituted.
PART VI.

AMENDMENTS TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

6. In section 10 of the Tiruchirappalli City Municipal Corporation Act, 1994,—

(1) in sub-section (2), for the expression “within a period of six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994” , the expression “on or before the 31st day of December 1995” shall be substituted;

(2) in sub-section (5), for the words “only for six months from the date of the commencement of this Act”, the expression “up to the 31st day of December 1995” shall be substituted.

PART VII.

AMENDMENTS TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

7. In section 10 of the Tirunelveli City Municipal Corporation Act, 1994,—

(1) in sub-section (2), for the expression “within a period of six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994” , the expression “on or before the 31st day of December 1995” shall be substituted;

(2) in sub-section (5), for the words “only for six months from the date of the commencement of this Act”, the expression “up to the 31st day of December 1995” shall be substituted.

PART VIII.

AMENDMENTS TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

8. In section 10 of the Salem City Municipal Corporation Act, 1994,—

(1) in sub-section (2), for the expression “within a period of six months from the date of the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994” , the expression “on or before the 31st day of December 1995” shall be substituted;

(2) in sub-section (5), for the words “only for six months from the date of the commencement of this Act”, the expression “up to the 31st day of December 1995” shall be substituted.

(By order of the Governor.)

M. MUNIRAMAN,
Secretary to Government. Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 11th December 1995 and is hereby published for general information:

ACT No. 34 OF 1995.

An Act further to amend laws relating to Municipalities and Municipal Corporations in the State of Tamil Nadu.

Hereby enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1995.

(2) It shall come into force at once.

PART II.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

2. In section 3 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), after clause (2), the following clause shall be inserted, namely:

"(2-A) 'Backward Classes of citizens' shall have the same meaning as defined in clause (a) of section 3 of the Tamil Nadu Backward Classes, Scheduled Caste and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993. ".
Amendment of section 3-I.

3. In section 3-I of the 1920 Act—

(1) after sub-section (2), the following sub-sections shall be inserted, namely:

(2-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in every town panchayat and the number of seats so reserved, shall be, as nearly as may be, fifty per cent of the total number of seats in the town panchayat.

(2-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of Citizens which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Backward Classes of Citizens.

(2) in sub-section (3), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)" shall be substituted;

(3) after sub-section (4), the following sub-section shall be inserted, namely:

"(4-A) (a) The offices of the Chair-persons of the town panchayat shall be reserved for persons belonging to the Backward Classes of citizens and the number of offices so reserved, shall be, as nearly as may be, fifty per cent of the total number of offices of the Chair-persons of the town panchayats in the State.

(b) The offices of the Chair-persons of the town panchayats shall be reserved for women belonging to the Backward Classes of citizens from among the offices reserved for the persons belonging to the Backward Classes of citizens which shall not be less than one-third of the total number of offices reserved for the persons belonging to the Backward Classes of citizens;"

(4) in sub-section (5)—

(a) for the expression "(including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" the expression "(including the number of offices reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)" shall be substituted;

(b) in the proviso for the expression "under this sub-section and under sub-section (4)" the expression "under this section" shall be substituted.

Amendment of section 7.

4. In section 7 of the 1920 Act—

(1) after sub-section (6), the following sub-sections shall be inserted, namely:

(6-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in every municipality and the number of seats so reserved, shall be, as nearly as may be, fifty per cent of the total number of seats to be filled by direct elections in that municipality.

(6-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizen which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Backward Classes of citizens.

(2) in sub-section (7), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)" shall be substituted;
(3) after sub-section (8), the following sub-section shall be inserted, namely:

"(8-A) (a) The offices of the Chair-persons of the municipalities shall be reserved for the persons belonging to the Backward Classes of citizens and the number of offices so reserved shall be, as nearly as may be, fifty per cent of the total number of offices of the Chair-persons of the municipalities in the State.

(b) The offices of the Chair-persons of the municipalities shall be reserved for women belonging to the Backward Classes of citizens from among the offices reserved for the persons belonging to the Backward Classes of citizens which shall not be less than one third of the total number of offices reserved for the persons belonging to the Backward Classes of citizens."

(4) in sub-section (9)—

(a) for the expression "(including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" the expression "(including the number of offices reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)" shall be substituted;

(b) for the proviso, the following proviso shall be substituted, namely—

"Provided that the offices of Chair-persons of the municipalities reserved under this section shall be allotted by rotation to different municipalities in such manner as may be prescribed."

PART-III.

AMENDMENTS TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

5. In section 3 of the Madras City Municipal Corporation Act, 1919 (hereinafter referred to as the 1919 Act), after clause (2), the following clause shall be inserted, namely:

"(2-A) "Backward Classes of citizens" shall have the same meaning as defined in clause (a) of section 3 of the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993."

6. In section 5 of the 1919 Act,—

(1) after sub-section (4), the following sub-sections shall be inserted, namely:

"(4-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in the council and the number of seats so reserved shall be as nearly as may be, fifty per cent of the total number of seats to be filled by direct election in the council.

(4-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizens, which shall not be less than one third of the total number of seats reserved for the persons belonging to the Backward Classes of Citizens."

(2) in sub-section (5), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)" shall be substituted.
PART IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment of section 2.

7. In section 2 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), after clause (2), the following clauses shall be inserted, namely:

"(2-A) 'Backward Classes of Citizens,' shall have the same meaning as defined in clause (1) of section 3 of the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993;"

Amendment of section 5.

8. In section 5 of the 1971 Act,—

(1) after sub-section (4), the following sub-sections shall be inserted, namely:

"(4-A) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizens which shall be between one-third of the total number of seats reserved for the persons belonging to the Backward Classes of citizens;"

(4-B) Seats shall be reserved for women belonging to the Backward Classes of citizens which shall be nearly as may be, fifty per cent of the total number of seats to be filled by direct election in the council.

Amendments to the Coimbatore City Municipal Corporation Act, 1981.

Amendment of section 2.

9. In section 2 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), after clause (2), the following clauses shall be inserted, namely:

"(2-A) 'Backward Classes of citizens,' shall have the same meaning as defined in clause (1) of section 3 of the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Act, 1993;"

Amendment of section 5.

10. In section 5 of the 1981 Act,—

(1) after sub-section (4), the following sub-sections shall be inserted, namely:

"(4-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in the council and the number of seats so reserved shall be, as nearly as may be, fifty per cent of the total number of seats to be filled by direct election in the council.

(4-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizens which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Backward Classes of citizens;"

(2) in sub-section (5), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)" shall be substituted.
PART VI.

AMENDMENTS TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

11. In section 2 of the Tiruchirappalli City Municipal Corporation Act, 1994 (hereinafter in this Part referred to as the Tiruchirappalli Corporation Act), for clause (a), the following clauses shall be substituted, namely:

[(a) 'Backward Classes of citizens' shall have the same meaning as defined in clause (a) of section 3 of the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993;

(aa) 'City of Tiruchirappalli' or 'City' means the local area comprised in the Tiruchirappalli Municipality and includes any local area which after the date of the commencement of this Act, is included in the City but does not include any local area which after such date of the commencement is excluded from the City:]

12. In section 5 of the Tiruchirappalli Corporation Act,

(1) after sub-section (4), the following sub-sections shall be inserted, namely:

[(4-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in the council and the number of seats so reserved shall be, as nearly as may be, fifty per cent of the total number of seats to be filled by direct election in the council.

(4-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizens which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Backward Classes of citizens:]

(2) in sub-section (5), for the expression (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes), the expression (including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens) shall be substituted.

PART VII.

AMENDMENTS TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

13. In section 2 of the Tirunelveli City Municipal Corporation Act, 1994 (hereinafter in this Part referred to as the Tirunelveli Corporation Act), for clause (a), the following clauses shall be substituted, namely:

[(a) 'Backward Classes of citizens' shall have the same meaning as defined in clause (a) of section 3 of the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993;

(aa) 'City of Tirunelveli' or 'City' means the local area comprised in the Tirunelveli Municipality and includes any local area which after the date of the commencement of this Act, is included in the City but does not include any local area which after such date of the commencement is excluded from the City:]

(A Group) IV-2 Ex. (604)—2
Amendment of section 5.

14. In section 5 of the Tirunelveli Corporation Act,—

(1) after sub-section (4), the following sub-sections shall be inserted, namely:

“(4-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in the Council and the number of seats so reserved shall be, as nearly as may be, fifty per cent of the total number of seats to be filled by direct election in the Council.

(4-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizens, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Backward Classes of citizens.”;

(2) in sub-section (5), for the expression “(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)”, the expression “(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)” shall be substituted.

PART VIII.

AMENDMENTS TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 2.

15. In section 2 of the Salem City Municipal Corporation Act, 1994 (hereinafter in this Part referred to as the Salem Corporation Act), for clause (a), the following clauses shall be substituted, namely:

“(a) "Backward Classes of citizens" shall have the same meaning as defined in clause (a) of section 3 of the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993;

(aa) ‘City of Salem’ or ‘City’ means the local area comprised in the Salem Municipality and includes any local area which after the date of commencement of this Act, is included in the City but does not include any local area which after such date of the commencement is excluded from the City;”.

Amendment of section 5.

16. In section 5 of the Salem Corporation Act,—

(1) after sub-section (4), the following sub-sections shall be inserted, namely:

“(4-A) Seats shall be reserved for the persons belonging to the Backward Classes of citizens in the Council and the number of seats so reserved shall be, as nearly as may be, fifty per cent of the total number of seats to be filled by direct election in the Council.

(4-B) Seats shall be reserved for women belonging to the Backward Classes of citizens from among the seats reserved for the persons belonging to the Backward Classes of citizens, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Backward Classes of citizens.”;

(2) in sub-section (5), for the expression “(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)”, the expression “(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)” shall be substituted.
PART IX.

AMENDMENT TO THE TAMIL NADU MUNICIPAL CORPORATION LAWS (AMENDMENT AND SPECIAL PROVISION) ACT, 1994.

17. In section 121 of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, for the words "and two shall be reserved for women," the words "two shall be reserved for women and such number of offices of Mayor not exceeding fifty per cent of the total number of office of the Mayor as may be prescribed, shall be reserved for the persons belonging to the Backward Classes of citizens" shall be substituted.

(By order of the Governor)

M. MUNI RAMAN,
Secretary to Government,
Law Department.

PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, MADRAS,
ON BEHALF OF THE GOVERNMENT OF TAMIL NADU.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 30th December 1995 and is hereby published for general information:—

ACT No. 46 OF 1995.

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1995.

(2) It shall come into force at once.

PART-II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 414 of the Madras City Municipal Corporation Act, 1919, in subsection (2), for the expression “up to the 31st day of December 1995”, the expression “up to the 30th day of June 1996” shall be substituted.

PART-III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. In section 375 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (2), for the expression “up to the 31st day of December 1995”, the expression “up to the 30th day of June 1996” shall be substituted.

PART-IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 510-A of the Madurai City Municipal Corporation Act, 1971, in sub-section (2), for the expression “up to the 31st day of December 1995”, the expression “up to the 30th day of June 1996” shall be substituted.

PART-V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 511-A of the Coimbatore City Municipal Corporation Act, 1981, in sub-section (2), for the expression “up to the 31st day of December 1995”, the expression “up to the 30th day of June 1996” shall be substituted.
PART-VI.

AMENDMENTS TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10.

6. In section 10 of the Tiruchirappalli City Municipal Corporation Act, 1994,—

(1) in sub-section (2), for the expression "on or before the 31st day of December 1995", the expression "on or before the 30th day of June 1996" shall be substituted;

(2) in sub-section (5), for the expression "up to the 31st day of December 1995", the expression "up to the 30th day of June 1996" shall be substituted.

PART-VII.

AMENDMENTS TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10.

7. In section 10 of the Tirunelveli City Municipal Corporation Act, 1994,—

(1) in sub-section (2), for the expression "on or before the 31st day of December 1995", the expression "on or before the 30th day of June 1996" shall be substituted;

(2) in sub-section (5), for the expression "up to the 31st day of December 1995", the expression "up to the 30th day of June 1996" shall be substituted.

PART-VIII.

AMENDMENTS TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10.

8. In section 10 of the Salem City Municipal Corporation Act, 1994,—

(1) in sub-section (2), for the expression "on or before the 31st day of December 1995", the expression "on or before the 30th day of June 1996" shall be substituted;

(2) in sub-section (5), for the expression "up to the 31st day of December 1995", the expression "up to the 30th day of June 1996" shall be substituted.

(By order of the Governor.)

M. MUNIRAMAN,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th June 1996 and is hereby published for general information:

ACT No. 16 OF 1996.

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1996.

(2) It shall come into force at once.

PART II.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 414 of the Madras City Municipal Corporation Act, 1919, in sub-section (2), for the expression “up to the 30th day of June 1996 and no longer”, the expression “upto the 31st day of December 1996 or for such shorter period as the State Government may, by notification, specify in this behalf” shall be substituted.

PART III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. In section 375 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (2), for the expression “up to the 30th day of June 1996 and no longer”, the expression “up to the 31st day of December 1996 or for such shorter period as the State Government may, by notification, specify in this behalf” shall be substituted.

PART IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

IV-2 Ex. (301)—3
PART V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 511-A of the Coimbatore City Municipal Corporation Act, 1981, in sub-section (2), for the expression "upto the 30th day of June 1996 and no longer", the expression "upto the 31st day of December 1996 or for such shorter period as the Government may, by notification, specify in this behalf" shall be substituted.

PART VI.

AMENDMENTS TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

6. In section 10 of the Tiruchirappalli City Municipal Corporation Act, 1994—

(1) in sub-section (2), for the expression "on or before the 30th day of June 1996", the expression "on or before the 31st day of December 1996" shall be substituted;

(2) in sub-section (3), for the expression "upto the 30th day of June 1996 and no longer", the expression "upto the 31st day of December 1996 or for such shorter period as the Government may, by notification, specify in this behalf" shall be substituted.

PART VII.

AMENDMENTS TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

7. In section 10 of the Tirunelveli City Municipal Corporation Act, 1994—

(1) in sub-section (2), for the expression "on or before the 30th day of June 1996", the expression "on or before the 31st day of December 1996" shall be substituted;

(2) in sub-section (5), for the expression "upto the 30th day of June 1996 and no longer", the expression "upto the 31st day of December 1996 or for such shorter period as the Government may, by notification, specify in this behalf" shall be substituted.
8. In section 10 of the Salem City Municipal Corporation Act, 1994—

(1) in sub-section (2), for the expression "on or before the 30th day of June 1996", the expression "on or before the 31st day of December 1996" shall be substituted;

(2) in sub-section (5), for the expression "upto the 30th day of June 1996 and no longer", the expression "upto the 31st day of December 1996 or for such shorter period as the Government may, by notification, specify in this behalf" shall be substituted.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th June 1996 and is hereby published for general Information:—

ACT No. 17 OF 1996.

An Act further to amend the laws relating to Municipalities and Municipal Corporations in the State of Tamil Nadu.

WHEREAS under Article 243 T of the Constitution of India, the Legislature of the State have been empowered to make suitable provision for reservation of seats in any Municipality or Offices of Chair-persons in the Municipalities for Backward Classes of citizens;

AND WHEREAS a policy decision was taken by the Government of Tamil Nadu to provide reservation for Backward Classes of citizens in the wards of the Town Panchayats, Municipalities and Municipal Corporations and of the offices of chairpersons of Town Panchayats, Municipalities and Municipal Corporations in this State;


AND WHEREAS provisions which were made in Tamil Nadu Panchayats Act, 1994 by the Tamil Nadu Panchayats (Second Amendment) Act, 1995 (Tamil Nadu Act 30 of 1995) providing reservation of fifty per cent of the wards at each level of Panchayats and of the Offices of Presidents of Village Panchayats, Chairmen of Panchayat Union Councils and Chairmen of District Panchayats in this State for Backward Classes of citizens had been challenged and the High Court, Madras, in its judgment dated the 3rd April 1996 in W.P. No. 14637 of 1995, etc. has struck down the provisions of the said Act providing reservation for Backward Classes of citizens and all notifications issued under the said Act effecting reservation in favour of Backward Classes of citizens;

AND WHEREAS it is felt that provisions made for reservation of seats and offices of Chair-persons for Backward Classes of citizens in the Town Panchayats, the Municipalities and Municipal Corporations are likely to be struck down if challenged before the courts as in the case of reservations made in the Panchayats;

AND WHEREAS the State Government have taken a policy decision to conduct the elections for the Town Panchayats, Municipalities and Municipal Corporations in this State at the earliest possible time;

AND WHEREAS in order to complete the process of elections to all Town Panchayats, Municipalities and Municipal Corporations in the State, there is no other alternative for the time being except to omit the provisions relating to the reservation for Backward Classes of citizens made in the laws relating to Municipalities and Municipal Corporations;

AND WHEREAS it is considered necessary to amend the laws relating to Municipalities and Municipal Corporations suitably;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act 1996.

(A Group) IV-2 Ex. 5611-4
PART II.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

2. In section 3 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the 1920 Act), clause (2-A) shall be omitted.

3. In section 3 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the 1920 Act), clause (2-A) shall be omitted.

4. (1) sub-sections (2-A) and (2-B) shall be omitted.

(2) in sub-section (2), for the expression “including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens”, the expression “including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes” shall be substituted.

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

(4) in sub-section (5), for the expression “including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens”, the expression “including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes” shall be substituted.

5. In section 7 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the 1920 Act), clause (2-A) shall be omitted.

6. In section 5 of the 1919 Act—

(1) sub-sections (4-A) and (4-B) shall be omitted.

(2) in sub-section (5), for the expression “including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens”, the expression “including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes” shall be substituted.

PART III.

AMENDMENTS TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

5. In section 3 of the Madras City Municipal Corporation Act, 1919 (hereinafter referred to as the 1919 Act), clause (2-A) shall be omitted.

6. In section 5 of the 1919 Act—

(1) sub-sections (4-A) and (4-B) shall be omitted.

(2) in sub-section (5), for the expression “including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens”, the expression “including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes” shall be substituted.
PART IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

7. In section 2 of the Madurai City Municipal Corporation Act, 1971 (hereinafter referred to as the 1971 Act), clause (2-A) shall be omitted.

8. In section 5 of the 1971 Act—

(1) sub-sections (4-A) and (4-B) shall be omitted;

(2) in sub-section (5), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward classes of citizens)", the expression "(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" shall be substituted.

PART V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

9. In section 2 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), clause (a) shall be omitted.

10. In section 5 of the 1981 Act—

(1) sub-sections (4-A) and (4-B) shall be omitted;

(2) in sub-section (5), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)", the expression "(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" shall be substituted.

PART VI.

AMENDMENTS TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

11. In section 2 of the Tiruchirappalli City Municipal Corporation Act, 1994 (hereinafter in this Part referred to as the Tiruchirappalli Corporation Act), clause (a) shall be omitted.

12. In section 5 of the Tiruchirappalli Corporation Act—

(1) sub-sections (4-A) and (4-B) shall be omitted;

(2) in sub-section (5), for the expression "(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)", the expression "(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)" shall be substituted.

PART VII.

AMENDMENTS TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

13. In section 2 of the Tirunelveli City Municipal Corporation Act, 1994 (hereinafter in this Part referred to as the Tirunelveli Corporation Act), clause (a) shall be omitted.

14. In section 5 of the Tirunelveli Corporation Act—

(1) sub-sections (4-A) and (4-B) shall be omitted;
(2) in sub-section (5), for the expression “(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)”, the expression “(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)” shall be substituted.

PART VIII.

AMENDMENTS TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 2. 15. In section 2 of the Salem City Municipal Corporation Act, 1994 (hereinafter in this Part referred to as the Salem Corporation Act), clause (a) shall be omitted.

Amendment of section 5. 16. In section 5 of the Salem Corporation Act,—

(1) sub-sections (4-A) and (4-B) shall be omitted;

(2) in sub-section (5), for the expression “(including the number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes of citizens)”, the expression “(including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes)” shall be substituted.

PART IX.

AMENDMENT TO THE TAMIL NADU MUNICIPAL CORPORATION LAWS (AMENDMENT AND SPECIAL PROVISION) ACT, 1994.

Amendment of section 121. 17. In section 121 of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, for the words “two shall be reserved for women and such number of offices of Mayor not exceeding fifty percent of the total number of office of the Mayor as may be prescribed, shall be reserved for the persons belonging to the Backward Classes of citizens”, the words “and two shall be reserved for women” shall be substituted.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 13th August, 1996, and is hereby published for general information:—

ACT No. 22 OF 1996.

An Act further to amend the laws relating to the municipalities and municipal corporations in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 1996.

(2) It shall come into force at once.

PART II.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

2. In section 3-C of the Tamil Nadu District Municipalities Act, 1920, the proviso to clause (a) shall be omitted;

(1) in sub-section (2), the proviso to clause (a) shall be omitted;

(2) for sub-section (3), the following sub-section shall be substituted, namely:

"(3) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the Town Council.";

3. In section 7 of the 1920 Act,—

(1) in sub-section (3), the proviso to clause (a) shall be omitted;

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

"(4) The persons referred to in sub-section (3) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the Council.";

4. In section 12 of the 1920 Act, in sub-section (3), for the expression "other than the Councillors", the expression "other than the persons referred to in sub-section (2) of this section" shall be substituted.

5. In section 23 of the 1920 Act, the following section shall be substituted:

"Committee on assessment of salaries of members of Standing Committee.—(1) A council may, with the previous approval of the State Government, constitute such number of Standing Committees as it may think necessary for the purpose of exercising such powers, duties or functions as may be assigned to the standing committee or performing such functions as it may delegate to the standing committee or subordinate committee, as may be thought necessary in the interest of the people of the area for which it is constituted.

Provided that nothing contained in this sub-section shall apply to the Taxation Appraisal Committee referred to in section 23-A.

(2) The composition of Standing Committee and the method of appointment of Chairman and the term of office of members and Chairman of Standing Committee shall be as prescribed."
Amendment of section 23-A. 6. In section 23-A of the 1920 Act, in clause (1), for the expression "and four councillors elected by the council", the expression "and four councillors three of whom shall be elected by the council from among themselves and one person nominated by the Chairman from among the persons referred to in sub-section (3) of section 7" shall be substituted.

Amendment of section 43-C. 7. In section 43-C of the 1920 Act, in sub-section (2), for the expression "and the conditions under which such deposits may be forfeited" the expression "the conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by candidates standing for election as councillor or chairman" shall be substituted.

Amendment of section 31-B. 8. In section 31-B of the 1920 Act, in clause (a), for the expression "as councillor", the expression "as chairman or councillor" shall be substituted.

Amendment of Schedule X. 9. In Schedule X of the 1920 Act, after item 15 and the entries relating thereto, the following items and entries shall be added, namely:

17. Regulation of land use and construction of buildings.
18. Fire services.

PART III.

AMENDMENTS TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919. 10. In section 3 of the Madras City Municipal Corporation Act, 1919, (hereinafter referred to as the 1919 Act),—

(a) in clause (26-B), for the expression "section 6-F", the expression "section 5A" shall be substituted;

(b) clause (28) shall be omitted.

11. In section 5 of the 1919 Act,—
(1) in sub-section (2),—

(a) the proviso to clause (a) shall be omitted.

(b) for clause (c) including the proviso thereto, the following clause shall be substituted, namely:

"(c) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the Corporation.

(c) clause (d) shall be omitted.

(2) after sub-section (2), the following sub-section shall be inserted, namely:

"(2-A) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council."

12. For section 5-A of the 1919 Act, the following section shall be substituted, namely:

"5A. Constitution of Wards Committees.—(1) There shall be constituted by the State Government, by notification, such number of ward's committees comprising territorial area of such number of wards as may be specified in the notification within the territorial area of the corporation.

(2) Each wards committee shall consist of—

(a) all the councillors of the corporation representing the ward's within the territorial area of the ward's committee; and
(b) the person, if any nominated by the State Government under clause (a) of sub-section (2) of section 5, if his name is registered as a voter within the territorial area of the ward's committee.

(3) The State Government may, after consultation with the corporation from time to time, by notification, alter the name, increase or diminish the area of any wards committee specified in the notification issued under sub-section (1).

13. For section 6-A of the 1919 Act, the following section shall be substituted, namely:

"6-A. Constitution of Standing Committees.—(1) There shall be constituted by the State Government, by notification, such number of Standing Committees not exceeding three as may be specified in the notification for the purpose of exercising such powers, discharging such duties or performing such functions as the Council may delegate to them.

(2) The composition of Standing Committees and the method of appointment of Chairman and the term of office of members and Chairman of Standing Committees shall be such as may be prescribed.".

14. In the 1919 Act, sections 6-B, 6-C, 6-D, 6-E and 6-F shall be omitted.

15. For section 6-G of the 1919 Act, the following section shall be substituted, namely:

"6-G. Election and term of office of chairman of wards committee.—

(1) The Chairman of the Wards Committee shall be elected by the councillors of the Wards Committee from among themselves after each ordinary election to the council in such manner as may be prescribed.

(2) Any casual vacancy in the office of the Chairman of the Wards Committee shall be filled up in such manner as may be prescribed and the chairman elected in any such casual vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold the office, if the vacancy had not occurred.".

16. In section 6-H of the 1919 Act, the following sub-section shall be substituted, namely:

"(1) Subject to the provisions of this Act and the rules made thereunder, the Council may delegate such powers and duties as it deems fit to a Wards Committee.";

(2) sub-sections (2) and (3) shall be omitted.

17. In section 32 of the 1919 Act, in sub-section (1), for the expression "clauses (b), (c) and (d)", the expression "clauses (b) and (c)" shall be substituted.

18. In section 34 of the 1919 Act, for the expression "clauses (b), (c) and (d)" wherever it occurs, the expression "clauses (b) and (c)" shall be substituted.

19. In the 1919 Act, after section 45, the following section shall be inserted, namely:

"45-A. Construction of references to Divisions.—In this Act, wherever the expression "Division" or "Divisions" and "territorial Divisions" occur, it shall be deemed to refer to "Ward" or "Wards" respectively."
amendment of section 53.
20. In section 53 of the 1971 Act, in sub-section (1), in the said portion, for the expression "clauses (b), (c) or (d) of section 10 of Schedule X", the expression "of Schedule X", shall be substituted.

amendment of section 54-A.
21. In section 54-A of the 1971 Act, in sub-section (1), for the expression "election of a Councillor", the expression "election of Mayor or a Councillor" shall be substituted.

amendment of section 54-B.
22. In section 54-B of the 1971 Act, in sub-section (1), in clause (a) of the expression "as a councillor", the expression "as Mayor or a Councillor" shall be substituted.

23. In section 59 of the 1971 Act, in sub-section (2), in clause (c), for the expression "the conditions under which such deposits may be forfeited", the expression "the conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by the candidates standing for election as Councillor or Mayor" shall be substituted.

Omission of Schedule IX and Schedule X.
24. In the 1971 Act, Schedules IX and X shall be omitted.

25. In Schedule XI of the 1971 Act, after item 15 and the entries relating thereto, the following items and entries shall be added, namely:

17. Regulation of land use and construction of buildings.
18. Fire services.

PART IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.


(a) in clause (42-A), for the expression "section 10-A", the expression "section 5-A" shall be substituted;
(b) clause (45) shall be omitted,

27. In section 5 of the 1971 Act,—

(1) in sub-section (1),—
(a) the proviso to clause (a) shall be omitted;
(b) for clause (c) including the proviso thereto, the following clause shall be substituted, namely:—
"(c) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation;"
(c) clause (d) shall be omitted;

(2) after sub-section (2), the following sub-section shall be inserted, namely:
"(2-A) The persons referred to in sub-section (2) shall be entitled to take part in all the proceedings but shall not have the right to vote in the meetings of the council;"

28. For section 5-A of the 1971 Act, the following section shall be substituted, namely:
"5-A. Constitution of Wards Committees.—(1) There shall be constituted by the Government, by notification, such number of wards committees comprising, territorial area of such number of wards as may be specified in the notification within the territorial area of the corporation.
(2) Each wards committee shall consist of—

(a) all the councillors of the corporation representing the wards within the territorial area of the wards committee; and

(b) the person, if any, nominated by the Government under clause (a) of sub-section (2) of section 5, if his name is registered as a voter within the territorial area of the wards committee.

(3) The Government may, after consultation with the corporation from time to time, by notification, alter the name, increase or diminish the area of any wards committee specified in the notification issued under sub-section (1)."

29. In section 6 of the 1971 Act, for sub-section (1), the following sub-section shall be substituted, namely:

"(1) There shall be constituted by the Government, by notification, such number of standing committees not exceeding three as may be specified in the notification for the purpose of exercising such powers, discharging such duties or performing such functions as the council may delegate to them."

(1-A) The composition of Standing Committees and the method of appointment of Chairman and the term of office of members and Chairman of standing committees shall be such as may be prescribed."

30. Sections 7, 8, 9, 10 and 10-A other than section 9-A of the 1971 Act shall be omitted.

31. For section 10-B of the 1971 Act, the following section shall be substituted, namely:—

"10-B. Election and term of office of Chairman of Wards Committee."

(1) The Chairman of the Wards Committee shall be elected by the councillors of the Wards Committee from among themselves after each ordinary election to the council in such manner as may be prescribed.

(2) The Chairman of the Wards Committee shall hold office till the duration of the Wards Committee.

(3) Any casual vacancy in the office of the Chairman of the Wards Committee shall be filled up in such manner as may be prescribed and the Chairman elected in any such casual vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to such office, if the vacancy had not occurred.

32. In section 10-C of the 1971 Act,—

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

"(1) Subject to the provisions of this Act and the rules made thereunder, the council may delegate such powers and duties as it deems fit to a Wards Committee;"

(b) sub-sections (2) and (3) shall be omitted.

33. In section 33 of the 1971 Act, in sub-section (1), for the expression "clauses (b), (c) and (d)", the expression "clauses (b) and (c)" shall be substituted.

34. In section 35 of the 1971 Act, for the expression "clauses (b), (c) and (d)" wherever it occurs, the expression "clauses (b) and (c)" shall be substituted.

35. In section 57 of the 1971 Act, in sub-section (1), in the opening portion, for the expression "clauses (b), (c) or (d)", the expression "clause (b) or (c)" shall be substituted.

36. In section 60-A of the 1971 Act, in sub-section (1), for the expression "election of a councillor", the expression "election of Mayor or a Councillor" shall be substituted.

37. In section 60-B of the 1971 Act, in sub-section (1), in clause (e), for the expression "as a councillor", the expression "as Mayor or a Councillor" shall be substituted.

(A Group) IV-2 Ex. (3 3)--3
38. In section 66 of the 1971 Act, in sub-section (2), in clause (b), for the expression “and conditions under which such deposits may be forfeited”, the expression “the conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by the candidates standing for election as Councillor or Mayor” shall be substituted.

39. In the 1971 Act, Schedules VIII and IX shall be omitted.

40. In Schedule X of the 1971 Act, after item 15 and the entries relating thereto, the following items and entries shall be added, namely:—

17. Regulation of land use and construction of buildings.
18. Fire Services”.

PART V

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

41. In section 2 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this part referred to as the 1981 Act),—

(a) in clause (42-A), for the expression “section 10-A” the expression “section 5-A” shall be substituted;

(b) clause (45) shall be omitted.

42. In section 5 of the 1981 Act,—

(1) in sub-section (2),—

(a) the proviso to clause (a) shall be omitted;

(b) for clause (c), including the proviso thereto, the following clause shall be substituted, namely:—

“(c) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the Corporation.”;

(c) clause (d) shall be omitted;

(2) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A. The person referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council.”.

43. For section 5-A of the 1981 Act, the following section shall be substituted, namely:—

“5-A. Constitution of Wards Committees.—(1) There shall be constituted by the Government, by notification, such number of wards committees comprising territorial area of such number of wards as may be specified in the notification within the territorial area of the corporation.

(2) Each wards committee shall consist of—

(a) all the councillors of the corporation representing the wards within the territorial area of the wards committee; and

(b) the persons, if any, nominated by the Government under clause (c) of sub-section (2) of section 5, if his name is registered as a voter within the territorial area of the wards committee;

(3) The Government may, after consultation with the corporation from time to time, by notification, alter the name, increase or diminish the area of any wards committee specified in the notification issued under sub-section (1).”.

44. In section 6 of the 1981 Act, for sub-section (1), the following sub-sections shall be substituted, namely:—
(1) There shall be constituted by the Government, by notification, such number of Standing Committees not exceeding three as may be specified in the notification for the purpose of exercising such powers, discharging such duties or performing such functions as the council may delegate to them.

(1-A) The composition of Standing Committees and the method of appointment of Chairman and the term of office of members and Chairman of Standing Committees shall be such as may be prescribed.

45. Sections 7, 8, 9, 10 and 10-A other than section 9-A of the 1981 Act shall be omitted.

46. For section 10-B of the 1981 Act, the following section shall be substituted, namely:

"10-B. Election and term of office of Chairman of Wards Committee—
(1) The Chairman of the Wards Committee shall be elected by the councillors of the Wards Committee from among themselves after each ordinary election to the council in such manner as may be prescribed.

(2) The Chairman of the Wards Committee shall hold office till the duration of the Wards Committee.

(3) Any casual vacancy in the office of the Chairman of the Wards Committee shall be filled up in such manner as may be prescribed and the Chairman elected in any such casual vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred."

47. In section 10-C of the 1981 Act,—

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

"(1) Subject to the provisions of this Act and the rules made thereunder, the Council may delegate such powers and duties as it deems fit to a Wards Committee."

(b) sub-sections (2) and (3) shall be omitted.

48. In section 34 of the 1981 Act, in sub-section (1), for the expression "clauses (b), (c) and (d)", the expression "clauses (b) and (c)" shall be substituted.

49. In section 36 of the 1981 Act, for the expression "clauses (b), (c) and (d)" wherever it occurs, the expression "clauses (b) and (c)" shall be substituted.

50. In the 1981 Act, after section 51, the following section shall be inserted, namely:

"51-A. Construction of references to Divisions.—In this Act, wherever the expression "Division" or "Divisions" occur it shall be deemed to refer to the "Ward" or "Wards" respectively."

51. In section 59 of the 1981 Act, in sub-section (1), in the opening portion, for the expression "clauses (b), (c) or (d)", the expression "clause (b) or (c)" shall be substituted.

52. In section 62-A of the 1981 Act, in sub-section (1), for the expression "election of a Councillor", the expression "election of Mayor or a Councillor" shall be substituted.

53. In section 62-B of the 1981 Act, in sub-section (1), in clause (a), for the expression "as a councillor", the expression "as Mayor or a Councillor" shall be substituted.
54. In section 68 of the 1981 Act, in sub-section (2), in clause (b), for the expression "and conditions under which such deposits may be forfeited", the expression "the conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by the candidates standing for election as Councillor or Mayor" shall be substituted.

55. In the 1981 Act, Schedules VIII and IX shall be omitted.

56. In Schedule X of the 1981 Act, after items 15 and the entries relating thereto, the following items and entries shall be added, namely:

17. Regulation of land use and construction of buildings.
18. Fire Services."

PART VI.

AMENDMENT TO THE TAMIL NADU MUNICIPAL CORPORATION LAWS (AMENDMENT AND SPECIAL PROVISION) ACT, 1994.

57. For section 121 of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, the following section shall be substituted, namely:

"121. Reservation of the offices of Mayors for the members of the Scheduled Castes or the Scheduled Tribes and for women.—(a) The offices of the Mayors of the Corporations in the State shall be reserved for the persons belonging to the Scheduled Castes or the Scheduled Tribes and the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices in all the Corporations in the State as the population of the Scheduled Castes in all the Corporations in the State bears to the total population of all the Corporations in the State:

Provided that where no office of Mayor can be reserved for the persons belonging to the Scheduled Castes or the Scheduled Tribes based on the total percentage of population of the Scheduled Castes and the Scheduled Tribes in all the Corporations, one office of Mayor of a Corporation having the highest percentage of population of the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or Scheduled Tribes out of the total number of offices of Mayors reserved for women under clause (b);

(b) The offices of the Mayors in the State shall be reserved for women and the number of offices so reserved for women shall not be less than one-third of the total number of offices of the Mayors in the State:

Provided that the offices of the Mayors reserved under this section shall be allotted by rotation to different municipal corporations in the State in such manner as may be prescribed before the ordinary elections to the municipal corporations in the State.

PART VII.

AMENDMENTS TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

58. In section 5 of the Tiruchirappalli City Municipal Corporation Act, 1994, namely—

(1) in sub-section 2,—

(a) the proviso to clause (a) shall be omitted:
(b) for clause (e) including the proviso thereto, the following clause shall be substituted, namely:

"(e) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation."

(c) clause (d) shall be omitted.

(2) after sub-section (2), the following sub-section shall be inserted, namely:

"(2-A) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council."

PART-VIII.

AMENDMENTS TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

59. In section 5 of the Tirunelveli City Municipal Corporation Act, 1994,—

(1) in sub-section 2,—

(a) the proviso to clause (a) shall be omitted;
(b) for clause (c) including the proviso thereto, the following clause shall be substituted, namely:

"(c) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation."

(c) clause (d) shall be omitted.

(2) after sub-section (2), the following sub-section shall be inserted, namely:

"(2-A) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council."

PART IX.

AMENDMENTS TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

60. In section 5 of the Salem City Municipal Corporation Act, 1994,—

(1) in sub-section 2,—

(a) the proviso to clause (a) shall be omitted;
(b) for clause (e) including the proviso thereto, the following clause shall be substituted, namely:

"(e) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation."

(c) clause (d) shall be omitted.

(2) after sub-section (2), the following sub-section shall be inserted, namely:

"(2-A) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council."

(By order of the Governor.)
Part IV—Section 2
Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 30th August 1996 and is hereby published for general information:—

ACT No. 26 OF 1996.

An Act further to amend the laws relating to the Municipalities and Municipal Corporations in the State of Tamil Nadu.

By it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-seventh Year of the Republic of India as follows:—

PART I.
PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 1996.

(2) It shall come into force at once.

PART II.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

2. In section 43-C of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this part referred to as the 1920 Act), in the proviso to sub-section (2), for the expression "shall not exceed one hundred rupees", the expression "shall not exceed three thousand rupees" shall be substituted.

3. In section 303 of the 1920 Act, in sub-section (2), clause (b) including the proviso shall be omitted.
PART III.

AMENDMENT TO THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

Amendment of section 59. 4. In section 59 of the Madras City Municipal Corporation Act, 1919, in sub-section (2), in clause (c), in the proviso, for the expression “shall not exceed one hundred rupees”, the expression “shall not exceed six thousand rupees” shall be substituted.

PART IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment of section 66. 5. In section 66 of the Madurai City Municipal Corporation Act, 1971, in sub-section (2), in clause (b), in the proviso, for the expression “shall not exceed one hundred rupees”, the expression “shall not exceed six thousand rupees” shall be substituted.

PART V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of section 68. 6. In section 68 of the Coimbatore City Municipal Corporation Act, 1981, in sub-section (2), in clause (b), in the proviso, for the expression “shall not exceed one hundred rupees”, the expression “shall not exceed six thousand rupees” shall be substituted.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government, Law Department.

PRINTED AND PUBLISHED BY THE COMMISSIONER OF STATIONERY AND PRINTING, MADRAS, BEHALF OF THE GOVERNMENT OF TAMIL NADU.
The following Act of the Tamil Nadu Legislative Assembly received the assent of
the Governor on the 14th February 1997 and is hereby published for general information:—

ACT No. 3 OF 1997.

An Act further to amend the laws relating to the Municipalities and Municipal Corporations
in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-
eighth year of the Republic of India as follows:—

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1997. Short title
and commencement.

(2)(a) Sections 12, 24 and 35 shall be deemed to have come into force on the 18th
day of October 1996.

(b) Sections 2, 3, 5, 6, 9, 10, 14, 21, 22, 26, 32, 33, 37, 43, 44 and 45 shall be
deemed to have come into force on the 14th day of November 1996.

(c) Sections 4, 7, 9, 11, 13, 14 to 20, 23, 25, 27 to 31, 34, 36 and 38 to 42 shall
be deemed to have come into force on the 27th day of December 1996.

PART II.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

2. In section 3-C of the Tamil Nadu District Municipalities Act, 1920 (hereinafter
in this part referred to as the 1920 Act), in sub-section (2), clause (a) shall be omitted. Amendment
of section 3-C.

3. In section 7 of the 1920 Act, in sub-section (3), clause (a) shall be omitted. Amendment
of section 7.

4. In section 23-A of the 1920 Act, in clause (1), for the expression “and four
councillors three of whom shall be elected by the council from among themselves and
one person nominated by the Chairman from among the persons referred to in sub-section
(3) of section 7”, the expression “and four councillors selected by the council” shall be
substituted. Amendment of section 23-A.

5. In section 24-B of the 1920 Act, in sub-section (2), clause (b) shall be omitted. Amendment
of section 24-B.

6. In section 50-A of the 1920 Act,—

(i) in sub-section (1)—

(i) the expression “and every person nominated under clause (a) of sub-section
(2) of section 3-C or clause (a) of sub-section (3) of section 7, as the case may be”, shall
be omitted;

(ii) for the expression,

“elected as a councillor of
nominated under clause (a) of sub-section
(2) of section 3-C or under clause (a) of sub-section
(3) of section 7, as representative in”,

the expression “elected as a councillor of” shall be substituted

(A Group) IV-2 Br: (89)—2
12

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

(2) in sub-section (2), the expression "or sits as a representative nominated under clause (a) of sub-section (2) of section 3-C or under clause (a) of sub-section (3) of section 7" shall be omitted.

Insertion of new section 117-A.

7. After section 117 of the 1920 Act, the following section shall be inserted, namely:

"117-A. Power to assess in case of escape from assessment:— Notwithstanding anything to the contrary contained in this Act or the rules made thereunder if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any half-year or year or at a rate lower than the rate at which he is assessable, or, in the case of property tax, has not been duly assessed in any half year or year consequent on the building or land concerned having escaped proper determination of its annual value the commissioner may, at any time within six years from the date on which such person should have been assessed serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act and the rules made thereunder shall so far as may be apply as if the assessment was made in the half year or year to which the tax or fee relates".

Amendment of section 375.

8. In section 375 of the 1920 Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) The Special Officers appointed under sub-section (1) in respect of Courtallam and Bhavaniisagar municipalities and Yercaud Town Panchayat shall hold office up to the 30th day of June 1997 or for such shorter period as the State Government may, by notification, specify in this behalf".

PART III.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

9. In section 5 of the Chennai Municipal Corporation Act, 1919 (hereinafter referred to as the 1919 Act) in sub-section (2), clause (a) shall be omitted.

10. In section 5-A of the 1919 Act, in sub-section (2), clause (b) shall be omitted.

11. In section 6-A of the 1919 Act, in sub-section (1), for the words "not exceeding three" the words "not exceeding six" shall be substituted.

12. In section of the 1919 Act, for sub-section (3), the following sub-sections shall be substituted, namely:

"(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor provided that in the meantime he does not cease to be a councillor.

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor if any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred".
13. After section 37 of the 1919 Act, the following section shall be inserted, namely:

"37-A. Entrustment of additional functions to Mayor:— The State Government may, subject to the provisions of this Act and the rules made thereunder by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act."

14. In section 53-A of the 1919 Act,—

(1) in sub-section(1),—

(i) the expression "and every person nominated under clause (a) of sub-section (2) of section 5," shall be omitted;

(ii) for the expression,—

"elected as a councillor of nominated under clause (a) of sub-section (2) of section 5 as a representative in", the expression "elected as a councillor of" shall be substituted;

(2) in sub-section (2), the expression "or sits as a representative nominated under clause (a) of sub-section (2) of section 5," shall be omitted.

15. For section 78 of the 1919 Act, the following section shall be substituted, namely:

"78. Powers of several authorities to sanction estimates:—The monetary limit for sanction of any estimate by several municipal authorities of the corporation shall be such as may be prescribed and such monetary limit shall not exceed fifty lakhs of rupees".

16. Section 79 of the 1919 Act, shall be omitted.

17. In section 80 of the 1919 Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) No contract involving an expenditure exceeding the monetary limit prescribed under section 78 shall be made by the municipal authorities of the corporation otherwise than as may be prescribed."

18. For section 82 of the 1919 Act, the following section shall be substituted, namely:

"82. Invitation of tenders:—(1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ten thousand rupees the Commissioner shall give notice by advertisement inviting tenders for such contract.

(2) The Commissioner on receipt of the tenders in pursuance of the notice given under sub-section (1) may, subject to the provision of section 80 and the rules made thereunder, accept the tender after following the procedure as may be prescribed.".

19. In section 85 of the 1919 Act, in sub-section (3), for clause (c), the following clause shall be substituted, namely:

"(c) Appointments to all posts included in Class III and in Class IV and to all other posts not included shall be made by the appointments Committee consisting of the Mayor, the Commissioner and two councillors elected by the council, which shall be established for the corporation subject to the by-laws if any, made by the council.".

20. In section 137-B of the 1919 Act, for the expression "three years", the expression "six years" shall be substituted.
PART IV

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment 21. In section 5 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this part referred to as the 1971 Act), in sub-section (2), clause (a) shall be omitted.

Amendment 22. In section 5-A of the 1971 Act, in sub-section (3), clause (b) shall be omitted.

Amendment 23. In section 6 of the 1971 Act, in sub-section (1), for the expression "not exceeding three", the expression "not exceeding six" shall be substituted.

Amendment 24. In section 30 of the 1971 Act, for sub-section (3), the following sub-sections shall be substituted, namely:

"(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor, provided that in the meantime he does not cease to be a councillor.

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred."

Amendment 25. After section 38 of the 1971 Act, the following section shall be inserted, namely:

"38-A. Entrustment of additional functions to Mayor.-- The Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act."

Amendment 26. In section 59 of the 1971 Act,—

(1) in sub-section (1),—

(i) the expression "and every person nominated under clause (a) of sub-section (2) of section 5" shall be omitted:

(ii) for the expression: "elected as a councillor of/ nominated under clause (a) of sub-section (2) of section 5 as a representative in", the expression "elected as a councillor of" shall be substituted:

(2) in sub-section (2), the expression "or sits as a representative nominated under clause (a) of sub-section (2) of section 5" shall be omitted.

Substitution of section 97. 27. For section 97 of the 1971 Act, following section shall be substituted, namely:

"97. Powers of several authorities to sanction estimates.—The monetary limit for sanction of any estimate by several municipal authorities of the corporation shall be such as may be prescribed and such monetary limit shall not exceed twenty five lakhs of rupees."

Omission of section 98. 28. Section 98 of the 1971 Act, shall be omitted.
29. In section 99 of the 1971 Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) No contract involving an expenditure exceeding the monetary limit prescribed under section 97 shall be made by the municipal authorities of the corporation otherwise than as may be prescribed".

30. For section 101 of the 1971 Act, the following section shall be substituted, namely:

"101. Invitation of tenders:—(1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five thousand rupees, the Commissioner shall give notice by advertisement inviting tenders for such contract.

(2) The Commissioner on receipt of the tenders in respect of any contract made in pursuance of the notice given under sub-section (1) may, subject to the provisions of section 93 and the rules made thereunder, accept the tender after following the procedure as may be prescribed".

31. In section 168 of the 1971 Act, for the expression "three years" the expression "six years" shall be substituted.

PART V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

32. In section 5 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act), in sub-section (2), clause (a) shall be omitted.

33. In section 5-A of the 1981 Act, in sub-section (2), clause (b) shall be omitted.

34. In section 6 of the 1981 Act, in sub-section (1), for the expression "not exceeding three" the expression "not exceeding six" shall be substituted.

35. In section 30 of the 1981 Act, for sub-section (3), the following sub-sections shall be substituted namely:

"(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor provided that in the meantime he does not cease to be a councillor.

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

36. After section 39 of the 1981 Act, the following section shall be inserted, namely:

"39-A. Entrustment of additional functions to Mayor:—The Government may subject to the provisions of this Act the rules made thereunder by notification the trust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act".

(A Group) IV-2 Ex. (89)—3
Amendment of section 61.

37. In section 61 of the 1981 Act,—

(1) in sub-section (1),—

(i) the expression “and every person nominated under clause (a) of sub-section (2) of section 5” shall be omitted;

(ii) for the expression—

“elected as a councillor of/ nominated under clause (a) of sub-section (2) of section 5 as a representative in”

the expression “elected as a councillor of” shall be substituted;

(2) in sub-section (2), the expression “or sits as a representative nominated under clause (a) of sub-section (2) of section 5” shall be omitted.

Substitution of section 99

38. For section 99 of the 1981 Act, the following section shall be substituted namely:—

“99. Powers of several authorities to sanction estimates.—The monetary limit for sanction of any estimate by several municipal authorities of the corporations shall be such as may be prescribed and such monetary limit shall not exceed twenty-five lakhs of rupees.”

Omission of section 100.

39. Section 100 of the 1981 Act shall be omitted.

Amendment of section 101.

40. In section 101 of the 1981 Act for sub-section (2), the following sub-section shall be substituted namely:—

“(2) No contract involving an expenditure exceeding the monetary limit prescribed under section 99 shall be made by the municipal authorities of the corporation otherwise than as may be prescribed.”

Substitution of section 103

41. For section 103 of the 1981 Act, the following section shall be substituted, namely:—

“103 Invitation of tenders.—Atleast seven days before entering into any contract for the execution of any work or the supply of any materials or goods, which will involve an expenditure exceeding five thousand rupees, the Commissioner shall give notice by advertisement inviting tenders for such contract.

(2) The Commissioner on receipt of the tenders in respect of any contract made in pursuance of the notice given under sub-section (1) may subject to the provisions of section 101 and the rules made thereunder, accept the tender after the following procedure as may be prescribed.”

Amendment of section 168.

42. In section 168 of the 1981 Act, for the expression “three years”, the expression “six years” shall be substituted.

PART VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 5.

43. In section 5 of the Tiruchirappalli City Municipal Corporation Act, 1994, in sub-section (2), clause (a) shall be omitted.

PART VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 5.

44. In section 5 of the Tirunelveli City Municipal Corporation Act, 1994, in sub-section (2), clause (a) shall be omitted.
AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

45. In section 5 of the Salem City Municipal Corporation Act, 1994, in sub section (2), clause (a) shall be omitted.

46. (1) The Tamil Nadu Municipal Corporation Laws (Amendment) Ordinance 1996, the Tamil Nadu Municipal Laws (Fifth Amendment) Ordinance, 1996 and the Tamil Nadu Municipal Laws (Sixth Amendment) Ordinance, 1996 are hereby repealed.

(2) Notwithstanding the repeal under sub-section (1), anything done or any action taken under the Principal Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment) Ordinance, 1996, the Tamil Nadu Municipal Laws (Fifth Amendment) Ordinance, 1996 and the Tamil Nadu Municipal Laws (Sixth Amendment) Ordinance, 1996, with effect from the 18th October 1996, 14th November 1996 and 27th December 1996, as the case may be, shall be deemed to have been done or taken under the Principal Act, as amended by this Act.

(By order of the Governor.)

A, K. RAJAN,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th November 1997 and is hereby published for general information:

ACT No. 65 OF 1997.

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-eighth Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1997.

(2) It shall come into force on the date on which the State Government may, by notification, appoint.

PART II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

The following sections of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as "this Act") shall be amended, namely:

1. Insert the words "and shall include also the transfer of any such addition to the person who is the owner of such addition" in section 99 (1) of this Act, namely:

2. Insert the words "and transferred, such transferee" in section 100 (1) of this Act, namely:

3. Insert the words "or land, in the event of death of the person who had for the payment of property tax the person to whom the property is transferred" in section 101 (1) of this Act, namely:

4. Insert the words "such transferee shall be within such date as may be prescribed, a return for assessing the said building or land containing such details as may be prescribed for the assessment of the said property tax to the said building or land."
(3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier of any building or land shall furnish to the Commissioner within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property to such building or land.

(4) If any owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return, the Commissioner or any person authorised by him in this behalf, shall cause an inspection to be made and also to make such local enquiries as may be considered necessary, and based on such inspection and information collected, shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land.

(5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return prepared by the Commissioner under sub-section (4) and after considering the objections, if any, received, the Commissioner shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned.

(6) For the purpose of assessment of property tax for any building or land in the City, the Commissioner or any officer authorised by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose.

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge upon the said building or land and upon the movable property if any found within or upon such building or land and belonging to the person liable to pay tax.

100. Minimum and maximum basic property tax, additional basic property tax, etc.—The State Government shall prescribe the minimum and the maximum rates of—

(a) basic property tax for the building or land having regard to—

(i) the existing property tax ;

(ii) the value of the building and land ; and

(iii) the use of the building ;

(b) additional basic property tax for every building having regard to—

(i) the location of the building ;

(ii) the type of construction of the building ;

(c) the concession with regard to age of the building.

101. Determination of basic property tax, additional basic property tax, etc., by Council—(i) The basic property tax, the additional basic property tax and the concession, if any, with regard to the age, for every building or land shall be determined by the Council subject to the minimum and maximum rates prescribed by the State Government under section 100.

(2) The Council shall notify the rates determined under sub-section (1) and such other particulars and in such manner as may be prescribed.

(3) (i) (a) The basic property tax for every building shall relate to the carpet area of the building and its usage:

Provided that the carpet area of any building shall not include the open verandah, a open court-yard or any other open space which is not enclosed.

(b) The classification of the building for the purpose of deciding the usage of any building shall be residential, commercial, industrial or any other classification as may be prescribed.
(ii) (a) The additional basic property tax for every building shall relate to location and type of construction of the building.

(b) For the purpose of this clause, the location of the building shall be classified as follows:

(A) arterial roads, bus-route roads leading to arterial roads and main roads;

(B) bus-route roads other than those specified in item (A);

(C) roads and streets in primarily residential colonies.

(c) The type of construction of the building shall be classified into different groups as follows, namely:

(A) thatched and tiled roof;

(B) reinforced concrete, cement roof;

(C) reinforced concrete cement roof with mosaic flooring partly or fully;

(D) granite, ceramic tiles and marble flooring and walls partly or fully.

(iii) A concession on the basic property tax shall be allowed in calculating the property tax having regard to the age of the building, in such manner as may be prescribed.

102. Assessment and calculation of Property Tax.—(1) For the purpose of assessment of property tax, every building shall be assessed together with its site and other adjacent premises occupied as an appendance thereto;

Provided that no building which has been constructed in contravention of the building rules made under this Act shall be assessed to property tax.

(2) The property tax shall be calculated as follows:

(a) Firstly, the basic property tax for a building shall be calculated at the rate fixed by the council;

(b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the Council and added to the basic property tax so arrived at under clause (a);

(c) Thirdly, on the quantum of amount arrived at under clauses (a) and (b), the concession having regard to the age of the building at the rate fixed by the council shall be deducted and the amount so arrived at shall be the property tax payable in respect of any building for every half-year and shall be paid by the owner or occupier of such building within the half-year period.

Explanation.—For the purpose of this sub-section, the expression "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year:

Provided that in the case of any Government or railway building a concession shall be allowed in calculating the property tax in such manner as may be prescribed.

(3) The Commissioner shall issue a property tax book containing all the details of the building or land and the property tax payable in relation to such building or land in such form as may be prescribed.

(4) Where there is any vacant land without any building situated within the City limit, the Commissioner shall determine the property tax payable for such vacant land at the rate fixed by the Council.
103. General revision of property tax.—The general revision of the assessment of property tax in relation to the building and land situated within the City limit shall be made from such date as the State Government may, by notification, the Commissioner may revise the property tax in accordance with the provisions of this Act and the rules made thereunder:

Provided that there shall be an interval of five years between one general revision and another general revision.

104. General exemptions.—The following buildings and lands shall be exempt from the property tax:

(a) places set apart for public worship and either actually so used or used for no other purpose;

(b) choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes;

(c) buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council;

(d) such ancient monuments protected under the Ancient Monuments and Archaeological Sites and Remains Act, 1966, or parts thereof as are not used as residential quarters or public offices;

(e) charitable hospitals and dispensaries but not including residential quarters attached thereto;

(f) such hospitals and dispensaries maintained by railway administration as may, from time to time, be notified by the State Government, but not including residential quarters attached thereto;

(g) burial and burning grounds included in the list published by the Commissioner under sub-section (3) of section 321;

(h) the bed of the Cooum, the bed of the Adyar, the Buckingham canal, Government lands set apart free for recreation purposes and all such other Government property being neither buildings nor land from which in the opinion of the State Government any income could be derived as may, from time to time, be notified by the State Government:

Provided that the Government does not derive any income from such beds:

Provided further that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt any building or land from property tax for which rent or service charge is payable by the person using the same for the purposes referred to in the said clauses.

105. Power to rectify error apparent on the face of the record.—(1) The Commissioner may, on his own motion or on an application made at any time within six months from the date of any order passed by him rectify any error apparent on the face of the record:

Provided that no such rectification which has the effect of enhancing an assessment, shall be made unless such authority has given notice to the assessee and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment, the excess amount if any paid by the assessee shall be adjusted towards any tax that may accrue in future.

106. Levy of fine.—(1) Where a person fails to pay the property tax within the time specified, the Commissioner shall impose upon him, by way of fine a sum as fixed by the council in this behalf in accordance with such rules as may be prescribed.
(2) On verification of the return filed by the owner or occupier of the building or land and the issue of the property tax book, the Commissioner may, if he is satisfied that the owner or occupier willfully filed false return, the Commissioner may cause reassessment of such property and direct the owner or occupier to pay, in addition to the tax assessed, by way of fine, a sum which shall be one hundred percent of the difference in the tax due:

Provided that no fine under this sub-section shall be imposed unless the owner or occupier affected has had a reasonable opportunity of showing cause against such imposition.

107. Taxation Appeals Tribunal.—(1) There shall be one or more Taxation Appeals Tribunals (hereafter in this section referred to as "the Tribunal") for the corporation for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the Commissioner under this Act other than the orders relating to the transfer duty.

(2) The Tribunal shall consist of a Judicial Officer who has been a Civil Judge (Senior Division/Chief Judicial Magistrate).

(3) The terms and conditions of the Tribunal shall be such as may be determined by the Government.

(4) The salary and other allowances payable to the Tribunal shall be borne from the funds of the corporation.

(5) No appeal shall be entertained by the Tribunal unless the appellant deposits with the corporation the entire amount as assessed by the Commissioner in the revision.

(6) (i) Every appeal filed under this section shall be entered in a register maintained for this purpose by the Tribunal.

(ii) The Tribunal shall give to person filing an appeal a written notice specifying the place, date and time of hearing the appeal.

(iii) The Tribunal shall dispose of the appeal within five months from the date of filing of the appeal.

(iv) Any person preferring an appeal may either appear in person or through an authorised agent before the Tribunal.

(v) The gist of the order passed in an appeal shall be recorded in the register which shall be duly attested by the Tribunal and a copy of the order shall be supplied within ten days from the date of passing of the order to the appellant.

(vi) The excess amount of tax is available in view of the orders of the Tribunal will be adjusted by the Commissioner for the property tax to be collected in future.

(7) An appeal against the decision of the Taxation Appeals Tribunal may be filed within thirty days from the date of the order to the District Judge.

(8) No appeal shall be entertained by the District Judge unless the appellant deposits with the corporation the entire amount of tax as decided by the Tribunal.

(9) Where as a result of any order passed in appeal any amount already deposited is in excess of the tax due, the difference after deducting the tax due shall be adjusted towards the tax and fine due, in respect of any other period, to the corporation.

3. In section 348 of the 1919 Act, clauses (a) and (b) shall be omitted.

4. In Schedule IV to the 1919 Act, Parts I-A and V shall be omitted.
PART III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Act referred to as the 1920 Act), for sections 81, 81-A, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91, the following sections shall be substituted, namely:

"81. Levy of property tax.—(1) The property tax shall be levied on all building and lands within the Municipality.

(2) (a) In relation to any building newly constructed or where any addition or alteration has been made to any existing building, the owner or occupier of such buildings;

(b) where the title of any building or land is transferred, such transferee;

(c) in relation to any building or land, in the event of death of the person primarily liable to the payment of property tax, the person on whom the property is transferred, shall furnish to the executive authority within such time as may be prescribed, a return for such building or land containing such details as may be prescribed for the assessment or reassessment of the property tax to the said building or land.

(3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier of any building or land shall furnish to the executive authority within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property to such building or land.

(4) If any owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return the executive authority or any person authorised by him in this behalf shall cause an inspection to be made and also to make such local enquiries as may be considered necessary, and based on such inspection and information collected, shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land.

(5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return prepared by the executive authority under sub-section (4) and after considering the objections if any received by the executive authority shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned.

(6) For the purpose of assessment of property tax for any building or land in the Municipality the executive authority or any person authorised by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose.

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge upon the said building or land and upon the movable property if any found within or upon such building or land and belonging to the person liable to pay tax.

82. Minimum and maximum basic property tax, additional basic property tax, etc.—The State Government shall prescribe the minimum and the maximum rates of—

(a) basic property tax the building or land having regard to—

(i) the existing property tax;

(ii) the value of the building and land; and

(iii) the use of the building;
(b) additional basic property tax for every building having regard to—

(i) the location of the building;

(ii) the type of construction of the building;

(c) the concession with regard to age of the building.

83. Determination of basic property tax, additional basic property tax, etc. by Municipal council.—(1) The basic property tax, the additional basic property tax and the concession, if any, with regard to the age, for every building or land shall be determined by the municipal council subject to the minimum and maximum rates prescribed by the State Government under section 82.

(2) The Municipal council shall notify the rates determined under subsection (1) and such other particulars and in such manner as may be prescribed.

(3) (i) (a) The basic property tax for every building shall relate to the carpet area of the building and its usage:

Provided that the carpet area of any building shall not include the open verandah, open court-yard or any other open space which is not enclosed.

(b) The classification of the building for the purpose of deciding the usage of any building shall be residential, commercial, industrial or any other classification as may be prescribed.

(ii) (a) The additional basic property tax for every building shall relate to location and type of construction of the building.

(b) For the purpose of this clause, the location of the building shall be classified as follows:

(A) arterial roads, bus-route roads leading to arterial roads and main roads;

(B) bus-route roads other than those specified in item (A);

(C) roads and streets in primarily residential colonies.

(c) The type of construction of the building shall be classified into different groups as follows, namely:

(A) thatched and tiled roof;

(B) reinforced concrete cement roof;

(C) reinforced concrete cement roof with mosaic flooring partly or fully;

(D) granite, ceramic tiles and marble flooring and walls partly or fully.

(iii) A concession on the basic property tax shall be allowed in calculating the property tax having regard to the age of the building, in such manner as may be prescribed.

84. Assessment and calculation of property tax:—(1) For the purpose of levy of property tax, every building shall be assessed together with its sites and other adjacent premises occupied as an appurtenance thereto:

Provided that no building which has been constructed in contravention of the building rules made under this Act shall be assessed to property tax.

(2) The property tax shall be calculated as follows:

(a) Firstly, the basic property tax for a building shall be calculated at the rate fixed by the municipal council;

(b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the municipal council and added to the basic property tax so arrived at under clause (a):
PART III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Tamil Nadu Part referred to as the 1920 Act), for sections 81, 81-A, 82, 83, 84, 85, 86, 87, 88, 89, 90, and 91, the following sections shall be substituted, namely:

"81. Levy of property tax.—(1) The property tax shall be levied on all building and lands within the Municipality.

(2) (a) In relation to any building newly constructed or where any addition or alteration has been made to any existing building, the owner or occupier of such buildings;

(b) where the title of any building or land is transferred, such transferee;

(c) in relation to any building or land, in the event of death of the person primarily liable to the payment of property tax, the person on whom the property is transferred,

shall furnish to the executive authority within such date as may be prescribed, a return for such building or land containing such details as may be prescribed for the assessment or reassessment of the property tax to the said building or land.

(3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier of any building or land shall furnish to the executive authority within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property to such building or land.

(4) If any owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return the executive authority or any person authorised by him in this behalf shall cause an inspection to be made and also to make such local inquiries as may be considered necessary, and based on such inspection and information collected, shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land.

(5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return prepared by the executive authority under sub-section (4) and after considering the objections if any received the executive authority shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned.

(6) For the purpose of assessment of property tax for any building or land in the Municipality the executive authority or any officer authorised by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose.

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge upon the said building or land and upon the movable property if any found within or upon such building or land and belonging to the person liable to pay tax.

82. Minimum and maximum basic property tax, additional basic property tax, etc.—The State Government shall prescribe the minimum and the maximum rates of—

(a) basic property tax on the building or land having regard to—

(i) the existing property tax;

(ii) the value of the building and land; and

(iii) the use of the building;
Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt any building or land from property tax for which rent or service charge is payable by the person using the same for the purposes referred to in the said clauses.

87. Power to rectify error apparent on the face of the record.—

(1) The executive authority may, on his own motion or on an application made at any time within six months from the date of any order passed by him rectify any error apparent on the face of the record:

Provided that no such rectification which has the effect of enhancing an assessment shall be made unless the executive authority has given notice to the assessee and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment, the excess amount so paid by the assessee shall be adjusted towards any tax that may accrue in future.

88. Levy of fine.—(1) Where a person fails to pay the property tax within the time specified, the executive authority shall impose upon him, by way of fine a sum as fixed by the municipal council in this behalf in accordance with such rates as may be prescribed.

(2) On verification of the return filed by the owner or occupier of the building or land, after the issue of the property tax bill, the executive authority may, if he is satisfied that the owner or occupier wilfully filed false return, the executive authority may cause reassessment of such property and direct the owner or occupier to pay, in addition to the tax assessed, by way of fine, a sum which shall be one hundred per cent of the difference in the tax due:

Provided that no fine under this sub-section shall be imposed unless the owner or occupier affected has had a reasonable opportunity of showing cause against such imposition.

89. Taxation Appeals Committee.—(1) There shall be a Taxation Appeals Committee for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the executive authority under this Act other than the orders relating to the duty on transfer of property,—

(i) for every town panchayat consisting of the Chairman of the municipal council who shall be the Chairman of the Taxation Appeals Committee and such number of members as may be notified by the State Government from among the members of the town panchayat;

(ii) for every municipality, consisting of the Chairman of the municipal council who shall also be the Chairman of the Taxation Appeals Committee and four Councillors elected by the council.

(2) The business of the Taxation Appeals Committee shall be transacted in accordance with the rules made by the State Government in this behalf.

(3) An appeal against the decision of the Taxation Appeals Committee may be filed within thirty days from the date of the order to the District Judge.

(4) No appeal shall be entertained by the District Judge, unless the appellant deposits with the town panchayat or municipality, as the case may be, the entire amount of tax as decided by the Taxation Appeals Committee.

(5) Where as a result of any order passed in an appeal any amount already deposited is in excess of the tax due, the difference, after deducting the tax due, shall be adjusted towards the tax, and fine due, in respect of any other period, by the municipality.

6. In Schedule IV to the 1920 Act,—

(a) the heading “Assessment of the property tax” and the rules 6 to 15 thereunder shall be omitted;

(b) the heading “Appeals” and the rules 23 to 28-A thereunder shall be omitted.
7. In the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), for sections 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130 and 131, the following sections shall be substituted, namely:---

120. Levy of property tax.—(1) The property tax shall be levied on all buildings and lands within the City.

(2) (a) In relation to any building newly constructed or where any addition or alteration has been made to any existing building, the owner or occupier of such buildings;

(b) where the title of any building or land is transferred, such transferee;

(c) in relation to any building or land, in the event of death of the person primarily liable to the payment of property tax, the person on whom the property is transferred;

shall furnish to the Commissioner within such date as may be prescribed, a return for such building or land containing such details as may be prescribed for the assessment or reassessment of the property tax to the said building or land.

(3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier of any building or land shall furnish to the Commissioner within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property to such building or land.

(4) If any owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return, the Commissioner or any person authorised by him in this behalf, shall cause an inspection to be made and also to make such local enquiries as may be considered necessary, and based on such inspection and information collected, shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land.

(5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return prepared by the Commissioner under sub-section (4) and after considering the objections, if any, received, the Commissioner shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned.

(6) For the purpose of assessment of property tax for any building or land in the City, the Commissioner or any officer authorised by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose.

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said building or land and upon the movable property if any found within or upon such building or land and belonging to the person liable to pay tax.

121. Minimum and maximum basic property tax, additional basic property tax, etc.—The Government shall prescribe the minimum and the maximum rates of—

(a) basic property tax for the building or land having regard to—

(i) the existing property tax;

(ii) the value of the building and land; and

(iii) the use of the building;
(b) additional basic property tax for every building having regard to—

(i) the location of the building;

(ii) the type of construction of the building;

(c) the concession with regard to age of the building.

122. Determination of basic property tax, additional basic property tax, etc., by council.—(1) The basic property tax, the additional basic property tax and the concession, if any, with regard to the age, for every building or land shall be determined by the council subject to the minimum and maximum rates prescribed by the Government under section 121.

(2) The council shall notify the rates determined under sub-section (1) and such other particulars and in such manner as may be prescribed.

(3) (i) (a) The basic property tax for every building shall relate to the carpet area of the building and its usage:

Provided that the carpet area of any building shall not include the open verandah, open court-yard or any other open space which is not enclosed.

(b) The classification of the building for the purpose of deciding the usage of any building shall be residential, commercial, industrial or any other classification as may be prescribed.

(ii) (a) The additional basic property tax for every building shall relate to location and type of construction of the building.

(b) For the purpose of this clause, the location of the building shall be classified as follows:

(A) arterial roads, bus-route roads leading to arterial roads and main roads;

(B) bus-route roads other than those specified in item (A);

(C) roads and streets in primarily residential colonies.

(c) The type of construction of the building shall be classified into different groups as follows, namely:

(A) thatched and tiled roof;

(B) reinforced concrete cement roof;

(C) reinforced concrete cement roof with mosaic flooring partly or fully;

(D) granite, ceramic tiles and marble flooring and walls partly or fully.

(iii) A concession on the basic property tax shall be allowed in calculating the property tax having regard to the age of the building, in such manner as may be prescribed.

123. Assessment and calculation of property tax.—(1) For the purpose of levy of property tax, every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto:

Provided that no building which has been constructed in contravention of the building rules made under this Act shall be assessed to property tax.

(2) The property tax shall be calculated as follows:

(a) Firstly, the basic property tax for a building shall be calculated at the rate fixed by the council;

(b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the council and added to the basic property tax so calculated under clause (a):
(c) Thirdly, on the quantum of amount arrived at under clauses (a) and (b), the concession having regard to the age of the building at a rate not exceeding the maximum of guideline value shall be deducted and the amount so arrived at shall be the property tax payable in respect of any building for every half-year and shall be paid by the owner or occupier of such building within the half-year period.

Explanation.—For the purpose of this sub-section, the expression "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year:

Provided that in the case of any Government or railway building a concession shall be allowed in calculating the property tax in such manner as may be prescribed.

(3) The Commissioner shall issue a property tax book containing all the details of the building or land and the property tax payable in relation to such building or land in such form as may be prescribed.

(4) Where there is any vacant land without any building situated within the City limit, the Commissioner shall determine the property tax payable for such vacant land at the rate fixed by the council not exceeding the maximum of guideline value.

124. General revision of property tax.—The general revision of the assessment of property tax in relation to the building and land situated within the City limit shall be made from such date as the Government may, by notification, appoint. The Commissioner may revise the property tax in accordance with the provisions of this Act and the rules made thereunder:

Provided that there shall be an interval of five years between one general revision and another general revision.

125. General exemptions.—The following buildings and lands shall be exempted from the property tax:

(a) places set apart for public worship and either actually so used or used for no other purpose;

(b) choultries for the occupation of which no rent is charged and the choultries rent charged for the occupation of which is used exclusively for charitable purposes;

(c) buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose of sheltering the destitute or animals and orphans, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904) and such ancient and historical monuments declared by or under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) to be of national importance and also such ancient monuments and archaeological sites and remains protected under the Tamil Nadu Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1966 (Tamil Nadu Act 25 of 1966) or parts thereof as or not used as residential quarters or public offices;

(e) charitable hospitals (and dispensaries but not including residential quarters attached thereto);

(f) such hospitals and dispensaries maintained by railway administration as may, from time to time, be notified by the Government, but not including residential quarters attached thereto;

(g) burial and burning grounds included in the book kept in the municipal office under section 404;

(h) the bed of any river or canal or any river or canal belonging to Government and which do not provide any income to Government or any Government lands set apart for recreation purposes or any Government property being neither building nor land from which in the opinion of the Government any income could not be derived as may, from time to time, be notified by the Government.
Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt any building or land from property tax for which rent or service charge is payable by the person or persons using the same for the purposes referred to in the said clauses.

126. Power to rectify error apparent on the face of the record.—(1) The Commissioner may, on his own motion or on an application made at any time within six months from the date of any order passed by him, rectify any error apparent on the face of the record:

Provided that no such rectification which has the effect of enhancing an assessment, shall be made unless such authority has given notice to the assessee and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment, the excess amount if any paid by the assessee shall be adjusted towards any tax that may accrue in future.

127. Levy of fine.—(1) Where a person fails to pay the property tax within the time specified, the Commissioner shall impose upon him, by way of fine a sum as fixed by the council in this behalf in accordance with such rates as may be prescribed.

(2) On verification of the return filed by the owner or occupier of the building or land after the issue of the property tax book, the Commissioner may, if he is satisfied that the owner or occupier willfully filed false return, the Commissioner may cause reassessment of such property and direct the owner or occupier to pay, in addition to the tax assessed, by way of fine, a sum which shall be one hundred per cent of the difference in the tax due:

Provided that no fine under this sub-section shall be imposed unless the owner or occupier affected has had a reasonable opportunity of showing cause against such imposition.

128. Taxation Appeal Tribunal.— (1) There shall be one or more Taxation Appeal Tribunals (hereafter in this section referred to as "the Tribunal") for the corporation for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the Commissioner under this Act other than the orders relating to the transfer duty.

(2) The Tribunal shall consist of a Judicial Officer who is or has been a Civil Judge (Senior Division/Chief Judicial Magistrate).

(3) The terms and conditions of the Tribunal shall be such as may be determined by the Government.

(4) The salary and other allowances payable to the Tribunal shall be borne from the funds of the corporation.

(5) No appeal shall be entertained by the Tribunal unless the appellant deposits with the corporation the entire amount as assessed by the Commissioner in the revision.

(6) (i) Every appeal filed under this section shall be entered in a register maintained for this purpose by the Tribunal.

(ii) The Tribunal shall give to person filing an appeal a written notice specifying the place, date and time of hearing the appeal.

(iii) The Tribunal shall dispose of the appeal within five months from the date of filing of the appeal.

(iv) Any person preferring an appeal may either appear in person or through an authorised agent before the Tribunal.

(v) The gist of the order passed in an appeal shall be recorded in the register which shall be duly attested by the Tribunal and a copy of the order shall be supplied within ten days from the date of passing of the order to the appellant.

(vi) The excess amount of tax if available in view of the orders of the Tribunal will be adjusted by the Commissioner for the property tax to be collected in future.
(7) An appeal against the decision of the Taxation Appeals Tribunal may be filed within 30 days from the date of the order to the District Judge.

(8) No appeal shall be entertained by the District Judge unless the appellant deposits with the corporation the entire amount of tax as decided by the Tribunal.

(9) Whereas a result of any order passed in appeal, any amount already deposited is in excess of the tax due, the difference after deducting the tax due shall be adjusted towards the tax and fine due, in respect of any other period, to the corporation."

Amendment of Schedule II.

8. In Schedule II of the 1971 Act, Parts II and V shall be omitted.
PART V.
AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu Act 25 of 1981. 9. In the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), for sections 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131 and 132, the following sections shall be substituted, namely:—

"121. Levy of property tax.—(1) The property tax shall be levied on all buildings and lands within the City.

(2) (a) In relation to any building newly constructed or where any addition or alteration has been made to any existing building, the owner or occupier of such building:

(b) where the title of any building or land is transferred, such transferee;

(c) in relation to any building or land, in the event of death of the person primarily liable to the payment of property tax, the person on whom the property is transferred, shall furnish to the Commissioner within such date as may be prescribed, a return for such building or land containing such details as may be prescribed for the assessment or reassessment of the property tax to the said building or land.

(3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier of any building or land shall furnish to the Commissioner within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property tax to such building or land.

(4) If any owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return, the Commissioner or any person authorised by him in this behalf, shall cause an inspection to be made and also to make such local enquiries as may be considered necessary, and based on such inspection and information collected, shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land.

(5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return prepared by the Commissioner under sub-section (4) and after considering the objections, if any, received, the Commissioner shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned.

(6) For the purpose of assessment of property tax for any building or land in the City, the Commissioner or any officer authorised by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose.

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said building or land and upon the moveable property if any found within or upon such building or land and belonging to the person liable to pay tax.

122. Minimum and maximum basic property tax, additional basic property tax, etc. The Government shall prescribe the minimum and the maximum rates of

(a) basic property tax for the building or land having regard to—

(i) the existing property tax,

(ii) the value of the building and land; and

(iii) the use of the building.
(b) additional basic property tax for every building having regard to—

(i) the location of the building;

(ii) the type of construction of the building;

(c) the concession with regard to age of the building.

123. Determination of basic property tax, additional basic property tax, etc. by Council.—(1) The basic property tax, the additional basic property tax and the concession, if any, with regard to the age, for every building or land shall be determined by the Council subject to the minimum and maximum rates prescribed by the Government under section 122.

(2) The Council shall notify the rates determined under sub-section (1) and such other particulars and in such manner as may be prescribed.

(3) (i) (a) The basic property tax for every building shall relate to the carpet area of the building and its usage:

Provided that the carpet area of any building shall not include the open verandah, open court-yard or any other open space which is not enclosed.

(b) The classification of the building for the purpose of deciding the usage of any building shall be residential, commercial, industrial or any other classification as may be prescribed.

(ii) (a) The additional basic property tax for every building shall relate to location and type of construction of the building.

(b) For the purpose of this clause, the location of the building shall be classified as follows:

(A) arterial roads, bus-route roads leading to arterial roads and main roads;

(B) bus-route road's other than those specified in item (A);

(C) roads and streets in primarily residential colonies.

(c) The type of construction of the building shall be classified into different groups as follows, namely:

(A) thatched and tiled roof;

(B) reinforced concrete cement roof;

(C) reinforced concrete cement roof with mosaic flooring partly or fully;

(D) granite, ceramic tiles and marble flooring and walls partly or fully.

(iii) A concession on the basic property tax shall be allowed in calculating the property tax having regard to the age of the building, in such manner as may be prescribed.

124. Assessment and calculation of property tax.—(1) For the purpose of levy of property tax, every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto:

Provided that no building which has been constructed in contravention of the building rules made under this Act shall be assessed to property tax.

(2) The property tax shall be calculated as follows:

(a) Firstly, the basic property tax for a building shall be calculated at the rate fixed by the Council;

(b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the Council and added to the basic property tax so arrived at under clause (a):
(c) Thirdly, on the quantum of amount arrived at under clauses (a) and (b), the concession, having regard to the age of the building at the rate fixed by the Council shall be deducted and the amount so arrived at shall be the property tax payable in respect of any building for every half-year and shall be paid by the owner or occupier of such building within the half-year period.

Explanation.—For the purpose of this sub-section, the expression “half-year” shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year:

Provided that in the case of any Government or railway building a concession shall be allowed in calculating the property tax in such manner as may be prescribed.

(3) The Commissioner shall issue a property tax book containing all the details of the building or land and the property tax payable in relation to such building or land in such form as may be prescribed.

(4) Where there is any vacant land without any building situated within the city limit, the Commissioner shall determine the property tax payable for such vacant land at the rate fixed by the Council.

125. General revision of property tax.—The general revision of the assessment of property tax in relation to the building and land situated within the City limit shall be made from such date as the Government may, by notification, appoint. The Commissioner may revise the property tax in accordance with the provisions of this Act and the rules made thereunder:

Provided that there shall be an interval of five years between one general revision and another general revision.

126. General exemptions.—The following buildings and lands shall be exempt from the property tax:

(a) Places set apart for public worship and either actually so used or used for no other purpose;

(b) choultries for the occupation of which no rent is charged and choultries and the rent charged for the occupation of which is used exclusively for charitable purposes;

(c) buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the Council;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904) and such ancient and historical monuments declared by or under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) to be of national importance and also such ancient monuments and archaeological sites and remains protected under the Tamil Nadu Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1956, (Tamil Nadu Act 25 of 1956) or parts thereof as are not used as residential quarters or public office;

(e) charitable hospitals and dispensaries but not including residential quarters attached thereto;

(f) such hospitals and dispensaries maintained by railway administration as may, from time to time, be notified by the Government, but not including residential quarters attached thereto;

(g) burial and burning grounds included in the book kept in the municipal office under section 404;

(h) the bed of any river or canal or any river or canal belonging to Government and which do not provide any income to the Government or any Government land set apart for recreation purposes or any other Government property being neither building nor land from which in the opinion of the Government any income could not be derived, as may from time to time, be notified by the Government.
Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt any building or land from property tax any building or land for which rent or service charge is payable by the person using the same for the purposes referred to in the said clauses.

127. Power to rectify error apparent on the face of the record.—
(1) The Commissioner may, on his own motion or on an application made at any time within six months from the date of any order passed by him, rectify any error apparent on the face of the record:

Provided that no such rectification which has the effect of enhancing an assessment shall be made unless such authority has given notice to the assessee and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment, the excess amount if any paid by the assessee shall be adjusted towards any tax that may accrue in future.

128. Levy of fine.—(1) Where a person fails to pay the property tax within the time specified, the Commissioner shall impose upon him by way of fine a sum as fixed by the council in this behalf in accordance with such rules as may be prescribed.

(2) On verification of the return filed by the owner or occupier of the building or land after the issue of the property tax bill, the Commissioner may, if he is satisfied that the owner or occupier wilfully filed false return, the Commissioner may cause re-assessment of such property and direct the owner or occupier to pay, in addition to the tax assessed, by way of fine, a sum which shall be one hundred percent of the difference in the tax due.

Provided that no fine under this sub-section shall be imposed unless the owner or occupier affected has had a reasonable opportunity of showing cause against such imposition.

129. Taxation Appeals Tribunals.—(1) There shall be one or more Taxation Appeals Tribunals (hereafter in this section referred to as “the Tribunal”) for the corporation for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the Commissioner under this Act other than the orders relating to the transfer duty.

(ii) The Tribunal shall consist of a Judicial Officer who is or has been a Civil Judge (Senior Division/Chief Judicial Magistrate).

(3) The terms and conditions of the Tribunal shall be such as may be determined by the Government.

(4) The salary and other allowances payable to the Tribunal shall be borne from the funds of the corporation.

(5) No appeal shall be entertained by the Tribunal unless the appellant deposits with the corporation the entire amount as assessed by the Commissioner in the revision.

(6) (i) Every appeal filed under this section shall be entered in a register maintained for this purpose by the Tribunal.

(ii) The Tribunal shall give to person filing an appeal a written notice specifying the place, date and time of hearing the appeal.

(iii) The Tribunal shall dispose of the appeal within five months from the date of filing of the appeal.

(iv) Any person preferring an appeal may either appear person or through an authorised agent before the Tribunal.
(v) The gist of the order passed in an appeal shall be recorded in the register which shall be duly attested by the Tribunal and a copy of the order shall be supplied within ten days from the date of passing of the order to the appellant.

(vi) The excess amount of tax if available in view of the orders of the Tribunal will be adjusted by the Commissioner for the property tax to be collected in future.

(7) "An appeal against the decision of the Taxation Appeals Tribunal may be filed within thirty days from the date of the order to the District Judge.

(8) No appeal shall be entertained by the District Judge unless the appellant deposits with the corporation the entire amount of tax as decided by the Tribunal.

(9) Where as a result of any order passed in appeal, any amount already deposited in excess of the tax due, the difference after deducting the tax shall be adjusted towards the tax and fine due, in respect of any other period to the corporation."

10. In Schedule II to the 1981 Act, Parts II and V shall be omitted.

(By order of the Governor)

A. E. RAJAN,
Secretary to Government, Law Department.

Amendment of Schedule II.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 21st October 1998 and is hereby published for general information:—

ACT No. 34 OF 1998.

An Act to amend the Tamil Nadu Municipal Laws (Second Amendment) Act, 1997.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1998.

(2) It shall come into force at once.

2. In section 2 of the Tamil Nadu Municipal Laws (Second Amendment) Act, 1997 (hereinafter referred to as the 1997 Act)—

(1) in section 49 proposed to be substituted in the Chennai City Municipal Corporation Act, 1919 (hereinafter in this section referred to as the 1919 Act)—

after sub-section (5), the following sub-section shall be inserted, namely:—

“(5-A) In the case of failure to furnish a return under sub-section (2) or sub-section (3), the Commissioner shall, in addition to the tax determined under sub-section (5), direct the owner or occupier of any building or land to pay by way of penalty, a sum of rupees two hundred and fifty, or five per cent of the tax determined under sub-section (5), whichever is higher.”;

(2) in section 100 proposed to be substituted in the 1919 Act, for clause (b), the following clauses shall be substituted, namely:—

“(b) additional basic property tax for every building with reference to its location;

(bb) additional basic property tax for every building with reference to its type of construction”;

(3) in section 102 proposed to be substituted in the 1919 Act,—

(a) in sub-section (1), the proviso shall be omitted;

(b) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) (a) Where there is any land without any building situated within the City limit, the Commissioner shall determine the property tax payable for such land at the rate fixed by the council.

(b) Where there is any land with building situated within the City limit, and if the extent of the land left vacant is twice the plinth area of the building, the Commissioner shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the council;

Provided that no property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon, does not exceed two thousand and four hundred square feet.

(5) The Council may, subject to such rules as may be made by the Government, by notification, in this behalf, exempt any building having a carpet area not exceeding one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax.”.
(4) after section 106 proposed to be substituted in the 1919 Act, the following section shall be inserted, namely:—

“106-A. Education tax.—The council may levy education tax within its area, at such rate not exceeding five per cent of the property tax and in such manner as the council may determine.”;

(5) in section 107 proposed to be substituted in the 1919 Act, in subsection (6), after the expression “by the Tribunal”, the following shall be added, namely:—

“and the appellant shall continue to deposit the property tax with the Corporation as decided by the Tribunal till the disposal of the appeal by the District Judge.”.

3. In section 5 of the 1997 Act,—

(1) in section 81 proposed to be substituted in the Tamil Nadu District Municipalities Act, 1920 (hereafter in this section referred to as the 1920 Act),—

after sub-section (5), the following sub-section shall be inserted, namely:—

“(5-A) In the case of failure to furnish a return under sub-section (2) or sub-section (3), the executive authority shall, in addition to the tax determined under sub-section (5), direct the owner or occupier of any building or land to pay, by way of penalty, a sum of rupees two hundred and fifty, or five per cent of the tax determined under sub-section (5), whichever is higher.”;

(2) in section 82 proposed to be substituted in the 1920 Act, for clause (b), the following clauses shall be substituted, namely:—

“(b) additional basic property tax for every building with reference to its location;

(bb) additional basic property tax for every building with reference to its type of construction;”;

(3) in section 84 proposed to be substituted in the 1920 Act,—

(a) in sub-section (1), the proviso shall be omitted;

(b) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4)(a) Where there is any land without any building situated within the municipal limit, the executive authority shall determine the property tax payable for such land at the rate fixed by the municipal council.

(b) Where there is any land with building situated within the municipal limit, and if the extent of the land left vacant is twice the plinth area of the building, the executive authority shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the municipal council:

Provided that no property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon, does not exceed two thousand and four hundred square feet.

(5) The municipal council may, subject to such rules as may be made by the Government, by notification, in this behalf, exempt any building having a carpet area not exceeding one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax.”;

(4) after section 88 proposed to be substituted in the 1920 Act, the following section shall be inserted, namely:—

“88-A. Education tax.—The municipal council may levy education tax within its area, at such rate not exceeding five per cent of the property tax and in such manner as the municipal council may determine.”;

A (Group) IV-2 Ex. (623)—1a
(5) In section 89 proposed to be substituted in the 1920 Act, in sub-section (4), after the expression "by the Taxation Appeals Committee", the following shall be added, namely:

"and the appellant shall continue to deposit the property tax with the town panchayat or municipality, as the case may be, as decided by the Taxation Appeals Committee till the disposal of the appeal by the District Judge".

Amendment of section 7.

4. In section 7 of the 1997 Act,--

(1) In section 120 proposed to be substituted in the Madurai City Municipal Corporation Act, 1971 (hereafter in this section referred to as the 1971 Act), after sub-section (5), the following sub-section shall be inserted, namely:

"(5-A) In the case of failure to furnish a return under sub-section (2) or sub-section (3), the Commissioner shall, in addition to the tax determined under sub-section (5), direct the owner or occupier of any building or land to pay by way of penalty, a sum of rupees two hundred and fifty, or five per cent of the tax determined under sub-section (5), whichever is higher.");

(2) In section 121 proposed to be substituted in the 1971 Act, for clause (b), the following clauses shall be substituted, namely:

"(b) additional basic property tax for every building with reference to its location;

(bb) additional basic property tax for every building with reference to its type of construction";

(3) In section 123 proposed to be substituted in the 1971 Act,--

(a) in sub-section (1), the proviso shall be omitted;

(b) in sub-section (2), in clause (c), for the expression "not exceeding the maximum of guideline value", the expression "fixed by the Council" shall be substituted;

(c) in sub-section (4), the expression "not exceeding the maximum of guideline value" shall be omitted;

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

"(4)(a) Where there is any land without any building situated within the City limit, the Commissioner shall determine the property tax payable for such land at the rate fixed by the Council;

(b) Where there is any land with building situated within the City limit, and if the extent of the land left vacant is twice the plinth area of the building, the Commissioner shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the council:

Provided that no property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon, does not exceed two thousand and four hundred square feet.

(5) The council may, subject to such rules as may be made by the Government, by notification, in this behalf, exempt any building having a carpet area not exceeding one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax.";

(4) After section 127 proposed to be substituted in the 1971 Act, the following section shall be inserted, namely:

"127-A. Education tax. The council may levy education tax within its area, at such rate not exceeding five per cent of the property tax and in such manner as the council may determine.";
5. In section 9 of the 1997 Act,—

(1) in section 121 proposed to be substituted in the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this section referred to as the 1981 Act),—after sub-section (5), the following sub-section shall be inserted, namely:

"(5-A) In the case of failure to furnish a return under sub-section (2) or sub-section (3), the Commissioner shall, in addition to the tax determined under sub-section (5), direct the owner or occupier of any building or land to pay by way of penalty, a sum of rupees two hundred and fifty, or five per cent of the tax determined under sub-section (5), whichever is higher;"

(2) in section 122 proposed to be substituted in the 1981 Act, for clause (b), the following clauses shall be substituted, namely:

"(b) additional basic property tax for every building with reference to its location;

(bb) additional basic property tax for every building with reference to its type of construction;"

(3) in section 124 proposed to be substituted in the 1981 Act,—

(a) in sub-section (1), the proviso shall be omitted;

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

(4) (a) Where there is any land without any building situated within the City limit, the Commissioner shall determine the property tax payable for such land at the rate fixed by the council.

(b) Where there is any land with building situated within the City limit, and if the extent of the land left vacant is twice the plinth area of the building, the Commissioner shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the council:

Provided that no property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon, does not exceed two thousand and four hundred square feet.

(5) The Council may, subject to such rules as may be made by the Government, by notification, in this behalf, exempt any building having a carpet area not exceeding one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax;"

(4) after section 128 proposed to be substituted in the 1981 Act, the following section shall be inserted, namely:

"128-A. Education tax.—The council may levy education tax within its area, at such rate not exceeding five per cent of the property tax and in such manner as the council may determine;"

(5) in section 129 proposed to be substituted in the 1981 Act, in sub-section (8), after the expression "by the Tribunal" the following shall be added, namely:

"and the appellant shall continue to deposit the property tax with the corporation as decided by the Tribunal till the disposal of the appeal by the District Judge."
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 22nd December 1998 and is hereby published for general information:

ACT NO. 51 OF 1998.

An Act further to amend the Law relating to Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 1998.

2. It shall be deemed to have come into force on the 23rd day of July 1998.

PART II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), in section 129-A,—

(a) for the expression "a tax calculated at such rates" the expression "a tax calculated at such rates having regard to the location, size, reach and nature of the advertisement" shall be substituted;

(b) in the first proviso, the following shall be added at the end, namely:

"and in any case such rate of tax shall not exceed rupees five hundred per square metre per half-year".

3. After Chapter XII of the 1919 Act, the following Chapter shall be inserted, namely:

"CHAPTER— XII A.

326-A. Definition.—In this Chapter, "hoarding" means any screen of boards at any place, whether public or private, used or intended to be used for exhibiting advertisement, including the framework or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly.

326-B. Prohibition for erection of hoardings. — (1) No hoarding shall be erected at any place, on or after the 23rd day of July 1998 (hereafter in this section referred to as the said date) by any person without obtaining a licence from the Commissioner;

(2) Every person who has erected any hoarding without obtaining a licence and which is in existence immediately before the said date shall apply for a licence in accordance with the provisions of this Chapter within thirty days from the said date.

326-C. Application for licence. — (1) Every application for licence under this Chapter shall be made to the Commissioner in such form containing such particulars and with such fee, as may be prescribed.

(2) The Commissioner may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The Commissioner may refuse to grant licence for reasons to be recorded in writing:
Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation.

(4) Every licence granted under sub-section (2) shall be valid for such period as may be prescribed and may be renewed from time to time.

326-D. Power to cancel or suspend licence.—(1) Without prejudice to any other penalty to which the licensee may be liable under this Chapter, the Commissioner may, at any time, by order in writing, cancel or suspend any licence granted or renewed under section 326-C, if—

(a) such licence has been obtained by fraud, mis-representation or suppression of material particulars; or

(b) the licensee has contravened any of the provisions of this Chapter or the rules made thereunder or any of the conditions subject to which the licence was granted.

(2) Before cancelling or suspending a licence under sub-section (1), the Commissioner shall give the licensee, an opportunity of making his representation.

326-E. Removal of unauthorised hoarding.—Any hoarding erected without a licence shall be confiscated and removed by the Commissioner, without giving any notice.

326-F. Removal of hoarding in certain other cases.—(1) Where any hoarding is retained after the expiry of the licence or erected contrary to the conditions of licence, the Commissioner may, by notice in writing, require the licensee to remove such hoarding within such time as may be prescribed.

(2) Where the hoarding is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

326-G. Exemption.—Nothing contained in this Chapter shall apply to any hoarding on which is exhibited any advertisement which relates to—

(i) the trade or business carried on within the land or building, upon or over, which such hoarding is erected or to any sale or letting of such land or building or any part thereof, or to any sale, entertainment or meeting to be held upon or in such land or building; or

(ii) the name of the land or building, upon or over which the hoarding is erected or to the name of the owner or occupier of such land or building;

Provided that the exemption under this section shall be subject to such size and nature of hoarding as may be prescribed.

326-H. Appeal.—(1) An appeal shall lie to the Standing Committee from an order of refusal to grant a licence or cancelling or suspending a licence by the Commissioner under this Chapter within thirty days from the date of receipt of the order.

(2) The appeal shall be in such form and in such manner and shall accompany with such fee, as may be prescribed.

(3) On receipt of such appeal, the Standing Committee may, after making such inquiry as may be necessary and giving a reasonable opportunity to the applicant to be heard, pass such orders as it deems fit.

326-I. Penalty.—Whoever contravenes any of the provisions of this Chapter or any rule or order made thereunder or obstructs lawful exercise of any power conferred by or under this Chapter shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both.
PART III.
AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT 1920.

4. In the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act) in section 78, in sub-section (1) after clause (d), the following clause shall be inserted, namely:

“(dd) a tax on advertisements other than advertisements published in the newspapers and advertisements broadcast by radio or television.”.

5. After section 107 of the 1920 Act, the following shall be inserted, namely:

Tax on advertisements.

107-A. Tax on advertisements.—Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement, or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates having regard to the location, size, reach and nature of the advertisement and in such manner and subject to such exemptions as the municipal Council may, with the approval of the State Government, by resolution determine:

Provided that the rates shall be subject to the maxima and minima laid down by the State Government in this behalf and in any case such rate of tax shall not exceed rupees five hundred per square metre per half-year:

Provided further that no tax shall be levied under this section on any advertisement or a notice—

(a) of a public meeting; or
(b) of an election to any legislative body or the municipal council; or
(c) of a candidature in respect of such an election:

Provided also that no such tax shall be levied on advertisement which is not a sky-sign and which—

(a) is exhibited within the window of any building; or
(b) relates to the trade or business carried on, within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or to any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or
(c) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or
(d) relates to the business of any railway administration; or
(e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

Explanation I.—The word “structure” in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation II.—The expression “sky-sign” shall, in this section, mean any advertisement supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which sky-sign shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard
frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(a) any flag staff, pole, vane or weather-cock, unless adopted or used wholly or in part for the purpose of any advertisement;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall, or to the bridge of a roof:

Provided that such board, frame or other contrivance shall be of one continuous face and not open work, and does not extend in height more than one metre above any part of the wall, or parapet, or ridge to, against or on, which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or building to be sold, or let, placed upon such land or building.

Explanation III.—"Public place" shall for the purposes of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

Explanation IV.—In this Chapter, the expression "advertisement" shall not include any advertisement published in any newspaper and advertisement broadcast by radio or television.

107-B. Prohibition of advertisements without written permission of executive authority.—(1) No advertisement shall, after the levy of the tax under section 107-A has been determined upon in the municipal council, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the municipality or shall be displayed in any manner whatever in any place without the written permission of the executive authority.

(2) The executive authority shall not grant such permission if—

(i) the advertisement contravenes any by-law made by the municipal council under clause (28) of section 306; or

(ii) the tax, if any, due in respect of the advertisement, has not been paid; or

(iii) the erection, exhibition, fixation or retention of the advertisement is an offence under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959).

(3) Subject to the provisions of sub-section (2) in the case of an advertisement liable to the advertisement tax, the executive authority shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission.

Provided that the provisions of this section shall not apply to any advertisement, erected, exhibited, fixed or retained on the premises of a railway administration relating to the business of a railway administration.
107-C. Permission of the executive authority to become void in certain cases.—

The permission granted under section 107-B shall become void in the following cases, namely:

(a) if the advertisement contravenes any by-law made by the municipal council under clause (25) of section 306 or the Tamil Nadu Open Places (Preservation of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959);

(b) if any addition to the advertisement be made except for the purposes of making it secure under the direction of the engineer for general purposes;

(c) if any material change be made in the advertisement or any part thereof;

(d) if the advertisement or any part thereof falls otherwise than through accident;

(e) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and

(f) if the building, wall or structure on or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

107-D. Owner or person in occupation to be deemed responsible.—Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 107-A or section 107-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

107-E. Removal of unauthorised advertisement.—If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of sections 107-A, or 107-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the executive authority may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.

107-F. Collection of tax on advertisement.—The executive authority may farm out the collection of any tax on advertisements leviable under section 107-A for any period not exceeding one year at a time on such terms and conditions as may be provided for by by-laws made under section 306.

6. After Chapter XII of the 1920 Act, the following Chapter shall be inserted, namely:

CHAPTER XII-A.

285-A. Definition.—In this Chapter, “hoarding” means any screen of boards at any place whether public or private used or intended to be used for exhibiting advertisement including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly.

285-B. Prohibition for erection of hoardings.—(1) No hoarding shall be erected at any place, on or after the 23rd day of July 1998 (hereafter in this section referred to as the said date), by any person without obtaining a licence from the executive authority.

(2) Every person who has erected any hoarding without obtaining a licence and which is in existence immediately before the said date, shall apply for a licence in accordance with the provisions of this Chapter within thirty days from the said date.

(Grp) IV-2 Ex. (751)—4
285-C. **Application for licence.**—(1) Every application for licence under this Chapter shall be made to the executive authority in such form, containing such particulars and with such fee, as may be prescribed.

(2) The executive authority may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The executive authority may refuse to grant licence for reasons to be recorded in writing:

Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation.

(4) Every licence granted under sub-section (2) shall be valid for such period as may be prescribed and may be renewed from time to time.

285-D. **Power to cancel or suspend licence.**—(1) Without prejudice to any other penalty to which the licensee may be liable under this Chapter, the executive authority may, at any time, by order in writing, cancel or suspend any licence granted or renewed under section 285-C, if—

(a) such licence has been obtained by fraud, misrepresentation or suppression of material particulars; or

(b) the licensee has contravened any of the provisions of this Chapter or the rules made thereunder or any of the conditions subject to which the licence was granted.

(2) Before cancelling or suspending a licence under sub-section (1), the executive authority shall give the licensee an opportunity of making his representation.

285-E. **Removal of unauthorised hoardings.**—Any hoarding erected without a licence shall be confiscated and removed by the executive authority, without giving any notice.

285-F. **Removal of hoarding in certain other cases.**—(1) Where any hoarding is retained after the expiry of the licence or erected contrary to the conditions of licence, the executive authority may by notice in writing, require the licensee to remove such hoarding within such time as may be prescribed.

(2) Where the hoarding is not removed within the time specified in the notice, the executive authority shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

285-G. **Exemptions.**—Nothing contained in this Chapter shall apply to any hoarding on which is exhibited any advertisement which relates to—

(i) the trade or business carried on within the land or building, upon or over, which such hoarding is erected or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting, to be held upon or in such land or building; or

(ii) the name of the land or building, upon or over which the hoarding is erected or to the name of the owner or occupier of such land or building;

Provided that the exemption under this section shall be subject to such size and nature of the hoarding as may be prescribed.

285-H. **Appeal.**—(1) An appeal shall lie to the Taxation Appeals Committee from an order of refusal to grant or renew a licence or cancelling or suspending a licence by the executive authority under this Chapter within thirty days of the date of receipt of the order.

(2) The appeal shall be in such form and in such manner and shall accompany with such fees as may be prescribed.
(3) On receipt of such appeal, the Taxation Appeals Committee may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it deems fit.

285-L Penalty.—Whoever contravenes any of the provisions of this Chapter or any rule or order made thereunder or obstructs lawful exercise of any power conferred by or under this Chapter shall be punished with imprisonment for a term which may extent to three years or with fine which may extend to ten thousand rupees or with both”.

PART IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

7. In the Madurai City Municipal Corporation Act, 1971 (hereafter in this part referred to as the 1971 Act), in section 157,-

(a) for the expression “a tax calculated at such rates”, the expression “a tax calculated at such rates having regard to the location, size, reach and nature of the advertisement” shall be substituted;

(b) in the first proviso, for the expression “shall not exceed rupees one hundred for each advertisement per half year”, the expression “shall not exceed rupees five hundred per square metre per half year” shall be substituted.

8. After Chapter XIII of the 1971 Act, the following Chapter shall be inserted, namely:

“CHAPTER-XIII A.

410-A. Definition.—In this Chapter, “hoarding” means any screen of boards at any place, whether public or private, used or intended to be used for exhibiting advertisement including the framework or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly.

410-B. Prohibition for erection of hoardings.—(1) No hoarding shall be erected at any place, on or after the 23rd day of July 1998 (hereafter in this section referred to as the said date), by any person without obtaining a licence from the Commissioner;

(2) Every person who has erected any hoarding without obtaining a licence and which is in existence immediately before the said date shall apply for a licence in accordance with the provisions of this Chapter within thirty days from the said date.

410-C. Application for licence.—(1) Every application for licence under this Chapter shall be made to the Commissioner in such form, containing such particulars and with such fee, as may be prescribed.

(2) The Commissioner may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The Commissioner may refuse to grant licence for reasons to be recorded in writing:

Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation;

(4) Every licence granted under sub-section (2) shall be valid for such period as may be prescribed and may be renewed from time to time.

410-D. Power to cancel or suspend licence.—(1) Without prejudice to any other penalty to which the licensee may be liable under this Chapter, the
Commissioner may, at any time, by order in writing, cancel or suspend any licence granted or renewed under section 410-C, if,

(a) such licence has been obtained by fraud, misrepresentation or suppression of material particulars; or

(b) the licensee has contravened any of the provisions of this Chapter or the rules made thereunder or any of the conditions subject to which the licence was granted.

(2) Before cancelling or suspending a licence under sub-section (1), the Commissioner shall give the licensee an opportunity of making his representation.

410-E. Removal of unauthorised hoarding.—Any hoarding erected without a licence shall be confiscated and removed by the Commissioner, without giving any notice.

410-F. Removal of hoarding in certain other cases.—(1) Where any hoarding is retained after the expiry of the licence or erected contrary to the conditions of licence, the Commissioner may, by notice in writing, require the licensee to remove such hoarding within such time as may be prescribed.

(2) Where the hoarding is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

410-G. Exemptions.—Nothing contained in this Chapter shall apply to any hoarding on which is exhibited any advertisement which relates to,—

(i) the trade or business carried on within the land or building, upon or over, which such hoarding is erected or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting, to be held upon or in such land or building; or

(ii) the name of the land or building, upon or over which the hoarding is erected or to the name of the owner or occupier of such land or building:

Provided that the exemption under this section shall be subject to such size and nature of the hoarding as may be prescribed.

410-H. Appeal.—(1) An appeal shall lie to the Standing Committee from an order of refusal to grant or renew a licence or cancelling or suspending a licence by the Commissioner under this Chapter within thirty days from the date of receipt of the order.

(2) The appeal shall be in such form and in such manner and shall accompany with such fee, as may be prescribed.

(3) On receipt of such appeal, the Standing Committee may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it deems fit.

410-I. Penalty.—Whoever contravenes any of the provisions of this Chapter or any rule or order made thereunder or obstructs lawful exercise of any power conferred by or under this Chapter shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both.

PART V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment or section 168.

9. In the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this part referred to as the 1981 Act), in section 158,—

(a) for the expression “a tax calculated at such rates”, the expression “a tax calculated at such rates having regard to the location, size, reach and nature of the advertisement” shall be substituted;
(b) in the first proviso, for the expression "shall not exceed rupees two hundred for each advertisement per half-year", the expression "shall not exceed rupees five hundred per square metre per half-year" shall be substituted.

10. After Chapter XIII of the 1981 Act, the following Chapter shall be inserted, namely:

"CHAPTER XIII-A.

410-A. **Definition.**—In this Chapter, "hoarding" means any screen of boards at any place whether public or private used or intended to be used for exhibiting advertisement including the framework or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly.

410-B. **Prohibition for erection of hoardings.**—(1) No hoarding shall be erected at any place, on or after the 23rd day of July 1998 (hereafter in this section referred to as the said date), by any person without obtaining a licence from the Commissioner.

(2) Every person who has erected any hoarding without obtaining a licence and which is in existence immediately before the said date shall apply for a licence in accordance with the provisions of this Chapter within thirty days from the said date.

410-C. **Application for licence.**—(1) Every application for licence under this Chapter shall be made to the Commissioner in such form, containing such particulars and with such fee, as may be prescribed.

(2) The Commissioner may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The Commissioner may, refuse to grant licence for reasons to be recorded in writing:

Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation.

(4) Every licence granted under sub-section (2) shall be valid for such period as may be prescribed and may be renewed from time to time.

410-D. **Power to cancel or suspend licence.**—(1) Without prejudice to any other penalty to which the licensee may be liable under this Chapter, the Commissioner may, at any time, by order in writing, cancel or suspend any licence granted or renewed under section 410-C, if,—

(a) such licence has been obtained by fraud, misrepresentation or suppression of material particulars; or

(b) the licensee has contravened any of the provisions of this Chapter or the rules made thereunder or any of the conditions subject to which the licence was granted.

(2) Before cancelling or suspending a licence under sub-section (1), the Commissioner shall give the licensee, an opportunity of making his representation.

410-E. **Removal of unauthorised hoarding.**—Any hoarding erected without a licence shall be confiscated and removed by the Commissioner, without giving any notice.

410-F. **Removal of hoarding in certain other cases.**—(1) Where any hoarding is retained after the expiry of the licence or erected contrary to the conditions of licence, the Commissioner may, by notice in writing, require the licensee to remove such hoarding within such time as may be prescribed.

(2) Where the hoarding is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.
410-G. Exemptions.—Nothing contained in this Chapter shall apply to any hoarding on which is exhibited any advertisement which relates to—

(i) the trade or business carried on within the land or building, upon or over, which such hoarding is erected or to any sale or letting of such land or building or any effect therein or to any sale, entertainment or meeting, to be held upon or in such land or building; or

(ii) the name of the land or building, upon or over which the hoarding is erected or to the name of the owner or occupier of such land or building:

Provided that the exemption under this section shall be subject to such size and nature of the hoarding as may be prescribed.

410-H. Appeal.—(1) An appeal shall lie to the Standing Committee from an order of refusal to grant or renew a licence or cancelling or suspending a licence by the Commissioner under this Chapter within thirty days from the date of receipt of the order.

(2) The appeal shall be in such form and in such manner and shall accompany with such fee, as may be prescribed.

(3) On receipt of such appeal, the Standing Committee may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it deems fit.

410-I. Penalty.—Whoever contravenes any of the provisions of this Chapter or any rule or order made thereunder or obstructs lawful exercise of any power conferred by or under this Chapter shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both.

Repeal and saving.


(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919 or the Tamil Nadu District Municipalities Act, 1920 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919 or the Tamil Nadu District Municipalities Act, 1920 or the Madurai City Municipal Corporation Act, 1971 or the Coimbatore City Municipal Corporation Act, 1981, as amended by this Act.

12. The Tamil Nadu Acquisition of Hoardings Act, 1985, is hereby repealed.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th December, 1998 and is hereby published for general information.

ACT No. 59 OF 1998.

AN ACT FURTHER TO AMEND THE LAWS RELATING TO THE MUNICIPAL CORPORATIONS AND MUNICIPALITIES IN THE STATE OF TAMIL NADU.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows——

PART—I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 1998.

(2) It shall be deemed to have come into force on the 1st day of October, 1998.

PART—II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. After Chapter V of the Chennai City Municipal Corporation Act, 1919, the following Chapter shall be inserted, namely:—

"CHAPTER—V-A.

Tax on profession, trade, calling and employment.

138-A. Definitions.—For the purposes of this Chapter,—

(a) "employee" means a person employed on salary and includes,—

(i) a Government servant receiving pay from the revenue of the Central Government or any State Government;

(ii) a person in the service of a body whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where such body operates within the Corporation limit even though its head quarters may be outside the Corporation limit; and
(iii) a person engaged in any employment by an employer, not covered by sub-clauses (i) and (ii);

(b) "employer" in relation to an employee earning any salary on a regular basis under his means, the person or the officer who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the Manager or Agent of the employer;

(c) "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year;

(d) "month" means a calendar month;

(e) "person" means any person who is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club, body of persons or association, so engaged, but does not include any person employed on a casual basis;

(f) "tax" means the tax on profession, trade, calling and employment levied under this Chapter.

138-B. **Ley of profession tax.**—(1) There shall be levied by the Council a tax on profession, trade, calling and employment.

(2) Every company which transacts business and every person, who is engaged actively or otherwise in any profession, trade, calling or employment within the city on the first day of the half-year for which return is filed, shall pay half-yearly tax at the rates specified in the Table below in such manner as may be prescribed:

<table>
<thead>
<tr>
<th>Serial number</th>
<th>Average half-yearly income</th>
<th>Half-yearly tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Upto 21,000</td>
<td>Nil</td>
</tr>
<tr>
<td>2</td>
<td>21,001 - 30,000</td>
<td>60</td>
</tr>
<tr>
<td>3</td>
<td>30,001 - 45,000</td>
<td>150</td>
</tr>
<tr>
<td>4</td>
<td>45,001 - 60,000</td>
<td>300</td>
</tr>
<tr>
<td>5</td>
<td>60,001 - 75,000</td>
<td>450</td>
</tr>
<tr>
<td>6</td>
<td>75,001 and above</td>
<td>600</td>
</tr>
</tbody>
</table>

(3) The rate of tax payable under sub-section (2) shall be published by the Commissioner in such manner as may be prescribed.

(4) Where a company or person proves that it or he has paid the sum due on account of the tax levied under this Chapter or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, trade, calling or employment, or residence, to pay the tax to any other local authority or cantonment authority.
(5) The tax leviable from a firm, association or Hindu undivided family may be levied on any adult member of the firm, association or family.

(6) Where a person doing the same business in the same name in one or more places within the city, the income of such business in all places within the city shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter.

(7) Where any company, corporate body, society, firm, body of persons or association pays the tax under this Chapter, any director, partner or member, as the case may be, of such company, corporate body, society, firm, body of persons or association shall not be liable to pay tax under this Chapter for the income derived by such director, partner or member from such company, corporate body, society, firm, body of persons or association:

Provided that such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources.

(8) Every person who is liable to pay tax, other than a person earning salary or wage shall furnish to the Commissioner a return in such form, for such period and within such date and in such manner as may be prescribed:

Provided that subject to the provisions of sub-sections (10) and (11), such person may make a self-assessment on the basis of average half-yearly income of the previous financial year and the return filed by him shall be accepted without calling for the accounts and without any inspection.

(9) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

(10) Notwithstanding anything contained in the proviso to sub-section (8), the Commissioner may select ten per cent of the total number of such assessment in such manner as may be prescribed for the purpose of detailed scrutiny regarding the correctness of the return submitted by a person in this connection and in such cases final assessment order shall be passed in accordance with the provisions of this Chapter.

(11) If no return is submitted by any person under sub-section (8) within the prescribed period or if the return submitted by him appears to the Commissioner to be incomplete or incorrect, the Commissioner shall, after making such enquiry as he may consider necessary, assess such person to the best of his judgment:

Provided that before taking action under this sub-section, the person shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(12) Every person who is liable to pay tax under this section, other than a person earning salary or wage—

(a) shall be issued with a pass book containing such details relating to such payment of tax as may be prescribed and if the pass book is lost or accidentally destroyed, the Commissioner may, on an application made by the person accompanied by such fee as may be fixed by the Council, issue a duplicate of the pass book;

(b) shall be allotted a permanent account number and such person shall—

(i) quote such number in all his returns to, or correspondence with the Commissioner;
(iii) quote such number in all challans for the payment of any sum due under this Chapter.

(13) The rate of tax specified under sub-section (2) shall be revised by the Council once in every five years and such revision of tax shall be increased not less than twenty-five per cent and not more than thirty-five per cent of the tax levied immediately before the date of revision.

138-C. Employers' liability to deduct and pay tax on behalf of the employees.— The tax payable by any person earning a salary or wage shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid to him in such manner as may be prescribed and such employer shall, irrespective of whether such deduction has been made or not when the salary or wage is paid to such person be liable to pay tax on behalf of such person:

Provided that if the employer is an officer of the State or Central Government, the Government may, notwithstanding anything contained in this Chapter, prescribe the manner in which such employer shall discharge the said liability.

138-D. Filing of returns by employer.—(1) Every employer liable to pay tax under this Chapter shall file a return to the Commissioner, in such form, for such period and by such date as may be prescribed, showing therein the salaries paid by him to the employees and the amount of tax deducted by him in respect of such employees.

(2) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

138-E. Assessment of the employer.—(1) The Commissioner, if satisfied that any return filed by any employer under sub-section (1) of section 138-D is correct and complete, shall accept the return.

(2) Where an employer has failed to file any return under sub-section (1) of section 138-D within the time or if the return filed by him appears to the Commissioner to be incorrect or incomplete, the Commissioner shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of his judgment and issue a notice of demand for the tax so assessed:

Provided that before assessing the tax due, the Commissioner shall give the employer a reasonable opportunity of being heard.

138-F. Penalty and interest.—(1) In addition to the tax assessed under sub-section (1) of section 138-B or sub-section (2) of section 138-E in the case of submission of incorrect or incomplete return, the Commissioner shall direct the person or employer to pay by way of penalty of one hundred per cent of the difference of the tax assessed and the tax paid as per return:

Provided that no penalty under this sub-section shall be imposed after the period of three years from the date of the order of the assessment under this Chapter and unless the person affected has had a reasonable opportunity of showing cause against such imposition.

(2) On any amount remaining unpaid after the dates specified for its payment, the person or employer shall pay, in addition to the amount due, interest at such rate not exceeding one per cent per mensum of such amount for the entire period of default, as may be prescribed.

138-G. Appeal.—(1) Any person or employer aggrieved by any order of decision of the Commissioner in relation to the payment of tax (including penalty, fee and interest) may, within such time as may be prescribed, appeal to the Taxation Appeals Tribunal.
(2) The decision of the Taxation Appeals Tribunal shall be final and shall not be questioned in any court of law:

Provided that no such decision shall be made except after giving the person affected a reasonable opportunity of being heard.

138-B. Exemptions.—Nothing contained in this Chapter shall apply to—

(a) the members of the Armed Forces of the Union serving in any part of this State, to whom the provisions of the Army Act, 1950, the Air Force Act, 1950 or the Navy Act, 1957 applies;

(b) the members of the Central Reserve Police Force to whom the Central Reserve Police Force Act, 1949 applies and serving in any part of this State;

(c) physically disabled persons with total disability in one or both hands or legs, spastics, totally dumb or deaf persons or totally blind persons;

Provided that such physical disability shall be duly certified by a Registered Medical Practitioner in the service of the Government not below the rank of Civil Surgeon.

138-I. Repeal and saving.—(1) The Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (hereafter in this section referred to as the 1992 Act) in its application to the city, is hereby repealed.

(2) The repeal of the 1992 Act under sub-section (1) shall not affect,—

(i) the previous operation of the said Act or anything done or duly suffered thereunder; or

(ii) any right, privileges, obligations or liabilities acquired, accrued or incurred under the said Act; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed.

(3) Notwithstanding the repeal of the 1992 Act, the rates of tax on professions, trades, callings and employments specified in the Schedule to the said Act shall continue to apply for the period commencing on the 1st day of April 1992 and ending with the 30th day of September 1998 for the levy and collection of such tax for the said period, where the tax due under that Act has not been paid for the said period.

(4) The provisions of this Chapter, other than the rates of tax specified in sub-section (2) of section 138-B and the provisions relating to penalty and interest, shall mutatis mutandis apply to the levy and collection of tax for the period mentioned in sub-section (3).

(5) The arrears of tax under the 1992 Act shall be paid in six equal half-yearly instalments in such manner and within such period as may be prescribed.

PART—III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. After Chapter VI of the Tamil Nadu District Municipalities Act, 1920, the following Chapter shall be inserted, namely—
Chapter VI-A.

Tax on profession, trade, calling and employment

124-C. Definitions.—For the purposes of this Chapter—

(i) "employee" means a person employed on salary and includes,—

(i) a Government servant receiving pay from the revenue of the Central Government or any State Government;

(ii) a person in the service of a body whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where, such body operates within the municipal limit even though its headquarters may be outside the municipal limit; and

(iii) a person engaged in any employment by an employer not covered by sub-clauses (i) and (ii);

(b) "employer" in relation to an employee earning any salary on a regular basis under his means, the person or the officer who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the Manager or Agent of the employer;

(c) "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year;

(d) "month" means a calendar month;

(e) "person" means any person who is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club, body of persons or association, so engaged, but does not include any person employed on a casual basis;

(f) "tax" means the tax on profession, trade, calling and employment levied under this Chapter.

124-D. Levy of profession tax.—(1) There shall be levied by the Municipal Council a tax on profession, trade, calling and employment.

(2) Every company which transacts business and every person, who is engaged actively or otherwise in any profession, trade, calling or employment within the municipality on the first day of the half-year for which return is filed, shall pay half-yearly tax at the rates specified in the Table below in such manner as may be prescribed:

<table>
<thead>
<tr>
<th>Serial number</th>
<th>Average half-yearly income</th>
<th>Half-yearly tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>From</td>
<td>To</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Up to Rs. 21,000</td>
<td>Nil</td>
</tr>
<tr>
<td>2</td>
<td>Rs. 21,000 to Rs. 30,000</td>
<td>Rs. 60</td>
</tr>
<tr>
<td>3</td>
<td>Rs. 30,001 to Rs. 45,000</td>
<td>Rs. 150</td>
</tr>
<tr>
<td>4</td>
<td>Rs. 45,001 to Rs. 60,000</td>
<td>Rs. 300</td>
</tr>
<tr>
<td>5</td>
<td>Rs. 60,001 to Rs. 75,000</td>
<td>Rs. 450</td>
</tr>
<tr>
<td>6</td>
<td>Rs. 75,001 and above</td>
<td>Rs. 600</td>
</tr>
</tbody>
</table>

(2) The rate of tax payable under sub-section (2) shall be published by the executive authority in such manner as may be prescribed.
(4) Where a company or person proves that it or he has paid the sum due on account of the tax levied under this Chapter or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu such company or person shall not be liable by reason merely of change of place of business, exercise of profession, trade, calling or employment or residence, to pay the tax to any other local authority or cantonment authority.

(5) The tax leviable from a firm, association or Hindu undivided family may be levied on any adult member of the firm, association or family.

(6) Where a person doing the same business in the same name in one or more places within the municipality, the income of such business in all places within the municipality shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter.

(7) Where any company, corporate body, society, firm, body of persons or association, pays the tax under this Chapter, any director, partner or member as the case may be, of such company, corporate body, society, firm, body of persons or association shall not be liable to pay tax under this Chapter for the income derived by such director, partner or member from such company, corporate body, society, firm, body of persons or associations:

Provided that such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources.

(8) Every person who is liable to pay tax, other than a person earning salary or wage shall furnish to the executive authority a return in such form, for such period and within such date and in such manner as may be prescribed:

Provided that subject to the provisions of sub-sections (10) and (11), such person may make a self-assessment on the basis of average half-yearly income of the previous financial year and the return filed by him shall be accepted without calling for the accounts and without any inspection.

(9) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

(10) Notwithstanding anything contained in the proviso to sub-section (8), the executive authority may select ten per cent of the total number of such assessment in such manner as may be prescribed for the purpose of detailed scrutiny regarding the correctness of the return submitted by a person in this connection and in such cases final assessment order shall be passed in accordance with provisions of this Chapter.

(11) If no return is submitted by any person under sub-section (8) within the prescribed period or if the return submitted by him appears to the executive authority to be incomplete or incorrect, the executive authority shall, after making such enquiry as he may consider necessary assess such person to the best of his judgement:

Provided that before taking action under this sub-section, the person shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(12) Every person who is liable to pay tax under this section, other than a person earning salary or wage—

(a) shall be issued with a pass book containing such details relating to such payment of tax as may be prescribed and if the pass book is lost or accidentally destroyed the executive authority may, on an application made by the person accompanied by such fee as may be fixed by the municipal council, issue to such person a duplicate of the pass book.
shall be allotted a permanent account number and such person shall—

(i) quote such number in all his returns to, or correspondence with, the executive authority;

(ii) quote such number in all dealings for the payment of any sum due under this Chapter.

(13) The rate of tax specified under sub-section (2) shall be revised by the municipal council once in every five years and such revision of tax shall be not less than twenty-five per cent and not more than thirty-five per cent of the tax levied immediately before the date of revision.

124-E. Employer's liability to deduct and pay tax on behalf of the employees.—The tax payable by any person earning a salary or wage shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid to him, in such manner as may be prescribed and such employer shall irrespective of whether such deduction has been made or not when the salary or wage is paid to such person be liable to pay tax on behalf of such person:

Provided that if the employer is an officer of the State or Central Government the Government may, notwithstanding anything contained in this Chapter prescribe the manner in which such employer shall discharge the said liability.

124-F. Filing of returns by employer.—(1) Every employer liable to pay tax under this Chapter shall file a return to the executive authority in such form, for such period and by such date as may be prescribed showing therein the salaries paid by him to the employees and the amount of tax deducted by him in respect of such employees.

(2) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

124-G. Assessment of the employer.—(1) The executive authority, if satisfied that any return filed by any employer under sub-section (1) of section 124-F is correct and complete shall accept the return.

(2) Where an employer has failed to file any return under sub-section (1) of section 124-F within the time or if the return filed by him appears to the executive authority to be incorrect or incomplete the executive authority shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of his judgement and issue a notice of demand for the tax so assessed:

Provided that before assessing the tax due the executive authority shall give the employer a reasonable opportunity of being heard.

124-H. Penalty and interest.—(1) In addition to the tax assessed under sub-section (1) of section 124-D or sub-section (2) of section 124-G in the case of submission of incorrect or incomplete return the executive authority shall direct the person or employer to pay by way of penalty of one hundred per cent of the difference of the tax assessed and the tax paid as per return:

Provided that no penalty under this sub-section shall be imposed after the period of three years from the date of the order of the assessment under this Chapter and unless the person affected has had a reasonable opportunity of showing cause against such imposition.

(2) On any amount remaining unpaid after the dates specified for its payment, the person or employer shall pay, in addition to the amount due, interest at such rate not exceeding one per cent per annum of such amount for the entire period of default as may be prescribed.

124-I. Appeal.—(1) Any person or employer aggrieved by any order or decision of the executive authority in relation to the payment of tax (including penalty, interest) may, within such time as may be prescribed appeal to the Taxation Appeals Committee.

Group IV-2-Ex. (758) 2
(2) The decision of the Taxation Appeals Committee shall be final and shall not be questioned in any court of law:

Provided that no such decision shall be made except after giving the person affected a reasonable opportunity of being heard.

124-J. Exemptions.—Nothing contained in this Chapter shall apply to—

(a) the members of the Armed Forces of the Union serving in any part of this State to whom the provisions of the Army Act, 1950 or the Air Force Act, 1950 or the Navy Act, 1957 applies;

(b) the members of the Central Reserve Police Force to whom the Central Reserve Police Force Act, 1949 applies and serving in any part of this State;

(c) physically disabled persons with total disability in one or both the hands or legs, spastics, totally dumb persons or totally blind persons:

Provided that such physically disability shall be duly certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

124-K. Repeal and savings.—(1) The Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (Tamil Nadu Act 24 of 1992) (hereafter in this section referred to as the 1992 Act) in its application to the municipality is hereby repealed.

(2) The repeal of the 1992 Act under sub-section (1) shall not affect,—

(i) the previous operation of the said Act or anything done or duly suffered thereunder; or

(ii) any right, privileges, obligations or liabilities acquired, accrued or incurred under the said Act; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed.

(3) Notwithstanding the repeal of the 1992 Act, the rates of tax on professions, trades, callings and employments specified in the Schedule to the said Act shall continue to apply for the period commencing on the 1st day of April 1992 and ending with the 30th day of September 1998 for the levy and collection of such tax for the said period where the tax due under that Act has not been paid for the said period.

(4) The provisions of this Chapter other than the rates of tax specified in sub-section (2) of section 124-D and the provisions relating to penalty and interest shall mutatis mutandis apply to the levy and collection of tax for the period mentioned in sub-section (3).

(5) The arrears of tax under the 1992 Act shall be paid in six equal half-yearly instalments in such manner and within such period as may be prescribed.

PART IV

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. After Chapter V of the Madurai City Municipal Corporation Act, 1971. Tamil Nadu Act 15 of 1971 the following Chapter shall be inserted, namely:—
“Chapter—V.A.

Tax on profession, trade, calling and employment.

169-A. Definitions.—For the purposes of this Chapter,—

(a) “employee” means a person employed on salary and includes,—

(i) a Government servant receiving pay from the revenue of the Central Government or any State Government;

(ii) a person in the service of a body whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where such body operates within the Corporation limit even though its headquarters may be outside the Corporation limit; and

(iii) a person engaged in any employment by an employer, not covered by sub-clauses (i) and (ii):

(b) “employer” in relation to an employee earning any salary on a regular basis under his means, the person or the officer who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the Manager or Agent of the employer;

(c) “half-year” shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year;

(d) “month” means a calendar month;

(e) “person” means any person who is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club, body of persons or association, so engaged, but does not include any person employed on a casual basis;

(f) “tax” means the tax on profession, trade, calling and employment levied under this Chapter.

169-B. Levy of profession tax.—(1) There shall be levied by the Council a tax on profession, trade, calling and employment.

(2) Every company which transact business and every person, who is engaged actively or otherwise in any profession, trade, calling or employment within the city on the first day of the half-year for which return is filed, shall pay half-yearly tax at the rates specified in the Table below in such manner as may be prescribed:

THE TABLE.

<table>
<thead>
<tr>
<th>Serial</th>
<th>Average half-yearly income.</th>
<th>Half-yearly tax.</th>
</tr>
</thead>
<tbody>
<tr>
<td>number.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>From Rs.</td>
<td>To Rs.</td>
</tr>
<tr>
<td>1</td>
<td>Upto 21,000</td>
<td>...</td>
</tr>
<tr>
<td>2</td>
<td>21,001</td>
<td>30,000</td>
</tr>
<tr>
<td>3</td>
<td>30,001</td>
<td>45,000</td>
</tr>
<tr>
<td>4</td>
<td>45,001</td>
<td>60,000</td>
</tr>
<tr>
<td>5</td>
<td>60,001</td>
<td>75,000</td>
</tr>
<tr>
<td>6</td>
<td>75,001 and above</td>
<td>...</td>
</tr>
</tbody>
</table>

(3) The rate of tax payable under sub-section (2) shall be published by the Commissioner in such manner as may be prescribed.
(4) Where a company or person proves that it or he has paid the sum due on account of the tax levied under this Chapter or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, trade, calling or employment, or residence, to pay the tax to any other local authority or cantonment authority.

(5) The tax leviable from a firm, association or Hindu undivided family may be levied on any adult member of the firm, association or family.

(6) Where a person doing the same business in the same name in one or more places within the city, the income of such business in all places within the city shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter.

(7) Where any company, a corporate body, society, firm, body of persons or association pays the tax under this Chapter, any director, partner or member, as the case may be, of such company, corporate body, society, firm, body of persons or association shall not be liable to pay tax under this Chapter for the income derived by such director, partner or member from such company, corporate body, society, firm, body of persons or association:

Provided that such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources.

(8) Every person who is liable to pay tax, other than a person earning salary or wage shall furnish to the Commissioner a return in such form, for such period and within such date and in such manner as may be prescribed:

Provided that subject to the provisions of sub-sections (10) and (11), such person may make a self-assessment on the basis of average half-yearly income of the previous financial year and the return filed by him shall be accepted without calling for the accounts and without any inspection.

(9) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

(10) Notwithstanding anything contained in the proviso to sub-section (8), the Commissioner may select ten per cent of the total number of such assessment in such manner as may be prescribed for the purpose of detailed scrutiny regarding the correctness of the return submitted by a person in this connection and in such cases final assessment order shall be passed in accordance with the provisions of this Chapter.

(11) If no return is submitted by any person under sub-section (8) within the prescribed period or if the return submitted by him appears to the Commissioner to be incomplete or incorrect, the Commissioner shall, after making such enquiries as he may consider necessary, assess such person to the best of his judgment:

Provided that before taking action under this sub-section, the person shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(12) Every person who is liable to pay tax under this section, other than a person earning salary or wage,—

(a) shall be issued with a pass book containing such details relating to such payment of tax as may be prescribed and if the pass book is lost or accidentally destroyed, the Commissioner may, on an application made by the person accompanied by such fee as may be fixed by the Council, issue to such person a
duplicate of the pass book,

(b) shall be allotted a permanent account number and such person shall—

(i) quote such number in all his returns to, or correspondence with, the Commissioner;

(ii) quote such number in all cheques for the payment of any sum due under this Chapter.

(13) The rate of tax specified under sub-section (2) shall be revised by the Council once in every five years and such revision of tax shall be increased not less than twenty-five per cent and not more than thirty-five per cent of the tax levied immediately before the date of revision.

169-C. Employers liability to deduct and pay tax on behalf of the employees.—The tax payable by any person earning a salary or wage shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid to him in such manner as may be prescribed and such employer shall, irrespective of whether such deduction has been made or not when the salary or wage is paid to such person, be liable to pay tax on behalf of such person:

Provided that if the employer is an officer of the State or Central Government, the Government may, notwithstanding anything contained in this Chapter, prescribe the manner in which such employer shall discharge the said liability.

169-D. Filing of returns by employer.—(1) Every employer liable to pay tax under this Chapter shall file a return to the Commissioner, in such form, for such period and at such rate as maybe prescribed, showing therein the salaries paid by him to the employees and the amount of tax deducted by him in respect of such employees.

(2) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

169-E. Assessment of the employer.—(1) The Commissioner, is satisfied that any return filed by any employer under sub-section (1) of section 169-D is correct and complete, shall accept the return.

(2) Where an employer has failed to file any return under sub-section (1) of section 169-D within the time or if the return filed by him appears to the Commissioner to be incorrect or incomplete, the Commissioner shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of his judgement and issue a notice of demand for the tax so assessed:

Provided that before assessing the tax due, the Commissioner shall give the employer a reasonable opportunity of being heard.

169-F. Penalty and interest.—(1) In addition to the tax assessed under sub-section (1) of section 169-B or sub-section (2) of section 169-E in the case of submission of incorrect or incomplete return, the Commissioner shall direct the person or employer to pay by way of penalty of one hundred per cent of the difference of the tax assessed and the tax paid as per return:

Provided that no penalty under this sub-section shall be imposed after the period of three years from the date of the order of the assessment under this Chapter and unless the person affected has had a reasonable opportunity of showing cause against such imposition.

(2) On any amount remaining unpaid after the dates specified for its payment the person or employer shall pay, in addition to the amount due, interest at such rate not exceeding one per cent per mensem of such amount for the entire period of default, as may be prescribed.

169-G. Appeal.—(1) Any person or employer aggrieved by any order or decision of the Commissioner in relation to the payment of tax (including penalty, fee and interest) may, within such time as may be prescribed, appeal to the Taxation Appeals Tribunal.
The decision of the Taxation Appeal Tribunal shall be final and shall not be questioned in any court of law:

Provided that no such decision shall be made except after giving the person affected a reasonable opportunity of being heard.

169-H. Exemptions.—Nothing contained in this Chapter shall apply to,—

(a) the members of the Armed Forces of the Union serving in any part of this State, to whom the provisions of the Army Act, 1950, the Air Force Act, 1950 or the Navy Act, 1957 applies;

(b) the members of the Central Reserve Police Force to whom the Central Reserve Police Force Act, 1949 applies and serving in any part of this State;

(c) physically disabled persons with total disability in one or both the hands or legs, spastics, totally dumb or deaf persons or totally blind persons:

Provided that such physical disability shall be duly certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

169-I. Repeal and savings.—(1) The Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (hereafter in this section referred to as the 1992 Act), in its application to the City, is hereby repealed.

(2) The repeal of the 1992 Act under sub-section (1) shall not affect,—

(i) the previous operation of the said Act or anything done or duly suffered thereunder; or

(ii) any right, privileges, obligations or liabilities acquired, accrued or incurred under the said Act; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed.

(3) Notwithstanding the repeal of the 1992 Act, the rates of tax on professions, trades, callings and employments specified in the Schedule to the said Act shall continue to apply for the period commencing on the 1st day of April 1992 and ending with the 30th day of September 1998 for the levy and collection of such tax for the said period where the tax due under that Act has not been paid for the said period.

(4) The provisions of this Chapter, other than the rates of tax specified in sub-section (2) of section 169-B and the provisions relating to penalty and interest, shall mutatis mutandis apply to the levy and collection of tax for the period mentioned in sub-section (3).

(5) The arrears of tax under the 1992 Act shall be paid in six equal half yearly instalments in such manner and within such period as may be prescribed.”

PART—V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.


Central Act

XLVI of 1950.

Central Act

XL of 1950.

Central Act

62 of 1957.

Central Act

XLVI of 1949.
169-A. Definitions.—For the purposes of this Chapter,—

(a) "employee" means a person employed on salary and includes,—

(i) a Government servant receiving pay from the revenue of the Central Government or any State Government;

(ii) a person in the service of a body whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where such body operates within the Corporation limit even though its headquarters may be outside the Corporation limit; and

(iii) a person engaged in any employment by an employer, not covered by sub-clauses (i) and (ii);

(b) "employer" in relation to an employee earning any salary on a regular basis under his means, the person or the officers who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the Manager or Agent of the employer;

(c) "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year;

(d) "month" means a calendar month;

(e) "person" means any person who is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club, body of persons or association, so engaged, but does not include any person employed on a casual basis;

(f) "tax" means the tax on profession, trade, calling and employment levied under this Chapter.

169-B. Levy of profession tax.—(1) There shall be levied by the Council a tax on profession, trade, calling and employment.

(2) Every company which transacts business and every person, who is engaged actively or otherwise in any profession, trade, calling or employment within the city on the first day of the half-year for which return is filed, shall pay half-yearly tax at the rates specified in the Table below in such manner as may be prescribed:

THE TABLE.

<table>
<thead>
<tr>
<th>Serial number</th>
<th>Average half yearly income</th>
<th>Half-yearly tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>From</td>
<td>To</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Upto Rs. 21,000</td>
<td>Nil</td>
</tr>
<tr>
<td>2.</td>
<td>Rs. 21,001</td>
<td>Rs. 60</td>
</tr>
<tr>
<td>3.</td>
<td>Rs. 30,001</td>
<td>Rs. 150</td>
</tr>
<tr>
<td>4.</td>
<td>Rs. 45,001</td>
<td>Rs. 300</td>
</tr>
<tr>
<td>5.</td>
<td>Rs. 60,001</td>
<td>Rs. 450</td>
</tr>
<tr>
<td>6.</td>
<td>Rs. 75,001 and above</td>
<td>Rs. 600</td>
</tr>
</tbody>
</table>

(3) The rates of tax payable under sub-section (2) shall be published by the Commissioner in such manner as may be prescribed.
(4) Where a company or person proves that it or he has paid the sum due on account of the tax levied under this Chapter or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu such company or person shall not be liable by reason merely of change of place of business, exercise of profession, trade, calling or employment or residence, to pay the tax to any other local authority or cantonment authority.

(5) The tax leviable from a firm, association or Hindu undivided family may be levied on any adult member of the firm, association or family.

(6) Where a person doing the same business in the same name in one or more places within the city the income of such business in all places within the city shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter.

(7) Where any company, corporate body, society, firm, body of persons or association pays the tax under this Chapter any director, partner or member, as the case may be, of such company, corporate body, society, firm, body of persons or association shall not be liable to pay tax under this Chapter for the income derived by such director, partner or member from such company, corporate body, society, firm, body of persons or associations:

Provided that such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources.

(8) Every person who is liable to pay tax, other than a person earning salary or wage shall furnish to the Commissioner a return in such form, for such period and within such date and in such manner as may be prescribed:

Provided that subject to the provisions of sub-section (10) and (11) such person may make a self-assessment on the basis of average half-yearly income of the previous financial year and the return filed by him shall be accepted without calling for the accounts and without any inspection.

(9) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

(10) Notwithstanding anything contained in the proviso to sub-section (6), the Commissioners may select ten per cent of the total number of such assessment in such manner as may be prescribed for the purpose of detailed scrutiny regarding the correctness of the return submitted by a person in this connection and in such cases final assessment order shall be passed in accordance with the provisions of this Chapter.

(11) If no return is submitted by any person under sub-section (8) within the prescribed period or if the return submitted by him appears to the Commissioner to be incomplete or incorrect, the Commissioner shall, after making such enquiry as he may consider necessary, assess such person to the best of his judgement:

Provided that before taking action under this sub-section the person shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(12) Every person who is liable to pay tax under this section, other than a person earning salary or wage,—

(a) shall be issued with a pass book containing such details relating to such payment of tax as may be prescribed and if the pass book is lost or accidentally destroyed the Commissioner may on an application made by the person accompanied by such fee as may be fixed by the Council due to such person a duplicate of the pass book.
(b) shall be allotted a permanent account number and such person shall—

(i) quote such number in all his returns to, or correspondence with, the Commissioner;

(ii) quote such number in all cheques for the payment of any sum due under this Chapter.

(12) The rate of tax specified under sub-section (2) shall be revised by the Council once in every five years and such revision of tax shall be increased not less than twenty-five per cent and not more than thirty-five per cent of the tax levied immediately before the date of revision.

169-C. Employer's liability to deduct and pay tax on behalf of the employees.—The tax payable by any person earning a salary or wage shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid to him in such manner as may be prescribed and such employer shall irrespective of whether such deduction has been made or not when the salary or wage is paid to such person, be liable to pay tax on behalf of such person:

Provided that if the employer is an officer of the State or Central Government, the Government may, notwithstanding anything contained in this Chapter, prescribe the manner in which such employer shall discharge the said liability.

169-D. Filing of returns by employer.—(1) Every employer liable to pay tax under this Chapter shall file a return to the Commissioner, in such form for such period and by such date as may be prescribed, showing therein the salaries paid by him to the employees and the amount of tax deducted by him in respect of such employees.

(2) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

169-E. Assessment of the employer.—(1) The Commissioner, if satisfied that any return filed by any employer under sub-section (1) of section 169-D is correct and complete, shall accept the return.

(2) Where an employer has failed to file any return under sub-section (1) of section 169-D within the time or if the return filed by him appears to the Commissioner to be incorrect or incomplete, the Commissioner shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of his judgement and issue a notice of demand for the tax so assessed:

Provided that before assessing the tax due, the Commissioner shall give the employer a reasonable opportunity of being heard.

169-F. Penalty and interest.—(1) In addition to the tax assessed under sub-section (1) of section 169-B or sub-section (2) of section 169-E, in the case of submission of incorrect or incomplete return, the Commissioner shall direct the person or employer to pay by way of penalty of one hundred per cent of the difference of the tax assessed and the tax paid as per return:

Provided that no penalty under this sub-section shall be imposed after the period of three years from the date of the order of the assessment under this Chapter and unless the person affected has had a reasonable opportunity of showing cause against such imposition.

(2) On any amount remaining unpaid after the dates specified for its payment the person or employer shall pay in addition to the amount due, interest at such rate not exceeding one per cent per mensem of such amount for the entire period of default, as may be prescribed.

169-G. Appeal.—(1) Any person or employer aggrieved by any order or decision of the Commissioner in relation to the payment of tax (including penalty, fee and interest may, within such time as may be prescribed, appeal to the Taxation Appeals Tribunal.
(2) The decision of the Taxation Appeals Tribunal shall be final and shall not be questioned in any court of law:

Provided that no such decision shall be made except after giving the person affected a reasonable opportunity of being heard.

169-H. Exemptions.—Nothing contained in this Chapter shall apply to—

(a) the members of the Armed Forces of the Union serving in any part of this State, to whom the provisions of the Army Act, 1950, the Air Force Act, 1950 or the Navy Act, 1957 applies:

(b) the members of the Central Reserve Police Force to whom the Central Reserve Police Force Act, 1949 applies and serving in any part of this State:

(c) physically disabled persons with total disability in one or both the hands or legs, spastics, totally dumb or deaf persons or totally blind persons:

Provided that such physical disability shall be duly certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

169-I. Repeal and Savings.—(1) The Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (hereafter in this section referred to as the 1992 Act), in its application to the City, is hereby repealed.

(2) The repeal of the 1992 Act under sub-section (1) shall not affect,—

(i) the previous operation of the said Act or anything done or duty suffered thereunder; or

(ii) any right, privileges, obligations or liabilities acquired accrued or incurred under the said Act; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed.

(3) Notwithstanding the repeal of the 1992 Act, the rates of tax on professions, trades, callings and employments specified in the Schedule to the said Act shall continue to apply for the period commencing on the 1st day of April 1992 and ending with the 30th day of September 1998 for the levy and collection of such tax for the said period where the tax due under that Act has not been paid for the said period.

(4) The provisions of this Chapter, other than the rates of tax specified in sub-section (2) of section 169-B and the provisions relating to penalty and interest, shall mutatis mutandis apply to the levy and collection of tax for the period mentioned in sub-section (3).

(5) The arrears of tax under the 1992 Act shall be paid in six equal half-yearly instalments in such manner and within such period as may be prescribed.

(By order of the Governor.)

A. K. RAJAN,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 5th September 2000 and is hereby published for general information:—

**ACT No. 26 OF 2000.**

*An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.*

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-first Year of the Republic of India as follows:—

**PART-I**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2000. Short title and commencement.

   (2) It shall come into force on such date as the State Government may, by notification, appoint.
PART-II

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. After section 326-I of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:

"326-5. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,—

(a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice:

Provided that such time shall not exceed fifteen days from the date of issue of such notice;

(ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue;

(b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any license under section 326-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person;

(ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice."

PART-III

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. After section 285-I of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:

"285-5. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,—

(a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the executive authority shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice:
Provided that such time shall not exceed fifteen days from the date of issue of such notice;

(ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the executive authority shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue;

(b) (i) where the executive authority is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 285-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person;

(ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the executive authority without any notice.

PART-IV

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. After section 410-1 of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:—

“410-5. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,—

(a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice:

Provided that such time shall not exceed fifteen days from the date of issue of such notice;

(ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue;

(b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 410-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person;

(ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice.”.
PART - V

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. After section 410-I of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:

"410-J. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,—

(a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice:

Provided that such time shall not exceed fifteen days from the date of issue of such notice;

(ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue;

(b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 410-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person;

(ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice.".

PART - VI

AMENDMENT TO THE TAMIL NADU URBAN LOCAL BODIES ACT, 1998.

6. After section 131 of the Tamil Nadu Urban Local Bodies Act, 1998, the following section shall be inserted, namely:

"131-A. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,—

(a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice:

Provided that such time shall not exceed fifteen days from the date of issue of such notice;
(ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue;

(b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 131 and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person;

(ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice.

Explanation.—For the purpose of this section, “hoarding” shall have the same meaning as in the Explanation under sub-section (9) of section 131.”.

(By order of the Governor)

K. PARTHASARATHY,
Secretary to Government,
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th August 2001 and is hereby published for general information:—

ACT No. 10 OF 2001.

An Act further to amend the Laws relating to Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-first Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2000.

   (2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 54-A of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), after sub-section (4), the following sub-sections shall be added, namely:

   "(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the Principal Judge, City Civil Court, Chennai, finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded."
60

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Principal Judge, City Civil Court, Chennai for trial.

3. After section 59 of the 1919 Act, the following section shall be inserted, namely:

"59-A. Voting machine at elections.—Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.—For the purpose of this section, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

PART-III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

4. After section 43-D of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act), the following section shall be inserted, namely:

"43-D. Voting machine at elections.—Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of a Municipality as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.—For the purpose of this section, "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

5. In section 51-A of the 1920 Act, after sub-section (4), the following sub-sections shall be added, namely:

"(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial."

PART-IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

6. In section 60-A of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), after sub-section (4), the following sub-sections shall be added, namely:

"(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.
(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial.

7. After section 66 of the 1971 Act, the following section shall be inserted, namely:

"66-A. Voting machine at elections.—Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.—For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.”

PART-V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

8. In section 62-A of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), after sub-section (4), the following sub-sections shall be added, namely:

"(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial.”

9. After section 68 of the 1981 Act, the following section shall be inserted, namely:

"68-A. Voting machine at elections.—Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.—For the purpose of this section, “voting machine” means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.”

PART-VI.

AMENDMENTS TO THE TAMIL NADU URBAN LOCAL BODIES ACT, 1998.

10. In section 9 of the Tamil Nadu Urban Local Bodies Act, 1998 (hereafter in this Part referred to as the 1998 Act), in sub-section (1), for the expression commencing with the words “any amendment, by way of inclusion” and ending with the words “Tamil Nadu State Election Commission”, the following expression shall be substituted, namely:

“any amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for election in any municipality.”
11. After section 10 of the 1998 Act, the following section shall be inserted, namely:—

"10-A. Voting machine at elections.—Notwithstanding anything contained in this act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of a Municipality as the Tamil Nadu State Election Commission may, having regard to the circumstances of each case, specify.

Explanation.—For the purpose of this section,"voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election."

Amendment of section 30.

12. In section 30 of the 1998 Act, after sub-section (4), the following sub-sections shall be added, namely:—

"(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the Principal District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Principal District Judge for trial."

(By order of the Governor)

M. BAULIAH,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th September 2001 and is hereby published for general information:—

**ACT No. 22 OF 2001.**

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-second Year of the Republic of India as follows:—

**PART-I**

Preliminary.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2001.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART-II**

Amendments to the **Chennai City Municipal Corporation Act, 1919.**

2. In section 52 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the 1919 Act),—

(1) in sub-section (1), for the expression "while undergoing the sentence and for five years from the date of the expiration of the sentence", the expression "while the sentence is in force and for six years from the date of the expiration of the sentence" shall be substituted;

(2) in sub-section (1-A), for the expression "five years", the expression "six years" shall be substituted;

(3) after sub-section (4), the following sub-section shall be added, namely:—

"(5) If the Tamil Nadu State Election Commission is satisfied that a person,—

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,
the Tamil Nadu State Election Commission shall, by order published in the Tamil Nadu Government Gazette, declare him to be disqualified for being elected as, and for being, a councillor and any such person shall be disqualified for a period of three years from the date of the order."

3. In section 54-A of the 1919 Act, in sub-section (1), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

**PART-III**

Amendments to the **Tamil Nadu District Municipalities Act, 1920.**

4. In section 49 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the 1920 Act),—

(1) in sub-section (1), for the expression "while undergoing the sentence and for five years from the date of the expiration of the sentence", the expression "while the sentence is in force and for six years from the date of the expiration of the sentence" shall be substituted:
(2) in sub-section (1-A), for the expression "five years", the expression "six years" shall be substituted;

(3) after sub-section (2), the following sub-section shall be added, namely:

"(2-A) If the Tamil Nadu State Election Commission is satisfied that a person,

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Tamil Nadu State Election Commission shall, by order published in the Tamil Nadu Government Gazette, declare him to be disqualified for being elected as, and for being, a Chairman or a councillor, as the case may be, and any such person shall be disqualified for a period of three years from the date of the order."

5. In section 51-A of the 1920 Act, in sub-section (1), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

PART-IV

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

6. In section 56 of the Madurai City Municipal Corporation Act, 1971 (hereinafter referred to as the 1971 Act),—

(1) in sub-section (1), for the expression "while undergoing the sentence and for five years from the date of the expiration of the sentence", the expression "while the sentence is in force and for six years from the date of the expiration of the sentence" shall be substituted;

(2) in sub-section (1-A), for the expression "five years", the expression "six years" shall be substituted;

(3) after sub-section (4), the following sub-section shall be added, namely:

"(5) If the Tamil Nadu State Election Commission is satisfied that a person,

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Tamil Nadu State Election Commission shall, by order published in the Tamil Nadu Government Gazette, declare him to be disqualified for being elected as, and for being, a councillor and any such person shall be disqualified for a period of three years from the date of the order.".

7. In section 60-A of the 1971 Act, in sub-section (1), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

PART-V

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

8. In section 58 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act),—

(1) in sub-section (1), for the expression "while undergoing the sentence and for five years from the date of the expiration of the sentence", the expression "while the sentence is in force and for six years from the date of the expiration of the sentence" shall be substituted;
(2) In sub-section (2), for the expression "five years", the expression "six years" shall be substituted;

(3) After sub-section (5), the following sub-section shall be added, namely:

"(6) If the Tamil Nadu State Election Commission is satisfied that a person,

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Tamil Nadu State Election Commission shall, by order published in the Tamil Nadu Government Gazette, declare him to be disqualified for being elected as, and for being, a councillor and any such person shall be disqualified for a period of three years from the date of the order.

9. In section 62-A of the 1981 Act, in sub-section (1), for the expression "fifteen days", the expression "forty-five days" shall be substituted.

PART VI

MISCELLANEOUS.

10. In the 1919 Act, the 1920 Act, the 1971 Act and the 1981 Act, for the expressions "State Election Commission" and "State Election Commissioner" wherever they occur, the expressions "Tamil Nadu State Election Commission" and "Tamil Nadu State Election Commissioner" shall, respectively, be substituted.

(By order of the Governor)

M. BAULIAH,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 26th May 2002 and is hereby published for general information:—

ACT No. 10 OF 2002.

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-third Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporations Laws (Amendment) Act, 2002.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), for sections 37 and 37-A, the following section shall be substituted, namely:—

“37. Mayor may obtain report. — The Mayor may obtain report from the commissioner on any matter connected with the administration of the corporation.”.

3. For section 78 of the 1919 Act, the following sections shall be substituted, namely:—

“78. Powers of municipal authorities to sanction estimates. — The powers of the different municipal authorities to sanction estimates shall be as follows:—

(a) when the amount of estimate does not exceed one lakh of rupees, the sanction of the concerned works committee shall be required;

(b) when the amount of estimate exceeds one lakh of rupees but does not exceed ten lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;

(d) when the amount of estimate exceeds fifteen lakhs of rupees but does not exceed twenty lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;

(e) when the amount of estimate exceeds twenty lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the council shall be required;

(f) when the amount of estimate exceeds fifty lakhs of rupees, the sanction of the State Government shall be required.

79. Works costing more than ten lakhs of rupees. — (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds ten lakhs of rupees. —

(a) the commissioner shall cause a defailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same.—
(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds fifteen lakhs of rupees but does not exceed twenty lakhs of rupees;

(iii) before the council, if the entire estimated cost exceeds twenty lakhs of rupees.

(b) the concerned standing committee or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds fifty lakhs of rupees, the same shall be submitted to the State Government.

(b) The State Government may sanction the project either in its entirety or subject to modification or may reject the same and the work shall not be commenced without such sanction of the State Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the State Government."

4. In section 80 of the 1919 Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:-

(a) no contract the estimated cost of which does not exceed one lakh of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds one lakh of rupees but does not exceed ten lakhs of rupees may be made by the commissioner;

(c) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(d) a contract the estimated cost of which exceeds fifteen lakhs of rupees but does not exceed twenty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;

(e) no contract the estimated cost of which exceeds twenty lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the council;

(f) no contract the estimated cost of which exceeds fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the State Government;

(g) every contract the estimated cost of which exceeds fifty thousand rupees made by the commissioner shall be reported to the concerned standing committee within fifteen days from the date on which it has been made."
PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

5. In the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), for sections 38 and 38-A, the following section shall be substituted, namely:-

"38. Mayor may obtain report.—The Mayor may obtain report from the commissioner on any matter connected with the administration of the corporation."

6. For section 97 of the 1971 Act, the following sections shall be substituted, namely:-

"97. Powers of municipal authorities to sanction estimates.—The powers of the different municipal authorities to sanction estimates shall be as follows:

(a) when the amount of estimate does not exceed fifty thousand rupees, the sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds fifty thousand rupees but does not exceed five lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds five lakhs of rupees but does not exceed ten lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;

(d) when the amount of estimate exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;

(e) when the amount of estimate exceeds fifteen lakhs of rupees but does not exceed twenty-five lakhs of rupees, the sanction of the council shall be required;

(f) when the amount of estimate exceeds twenty-five lakhs of rupees, the sanction of the Government shall be required.

98. Works costing more than five lakhs of rupees.—(1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds five lakhs of rupees,--

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,—

(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds five lakhs of rupees but does not exceed ten lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees;

(iii) before the council, if the entire estimated cost exceeds fifteen lakhs of rupees;

(c) the concerned standing committee, or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it in its entirety or subject to modifications or may reject the same.

(2) (a) Where the council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds twenty-five lakhs of rupees, the same shall be submitted to the Government.

(b) The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government.
(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government."

7. In section 99 of the 1971 Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:-

(a) no contract the estimated cost of which does not exceed fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds fifty thousand rupees but does not exceed five lakhs of rupees shall be made by the commissioner;

(c) no contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(d) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the council;

(e) no contract the estimated cost of which exceeds fifteen lakhs of rupees but does not exceed twenty-five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the Government;

(f) no contract the estimated cost of which exceeds twenty-five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the council;

(g) every contract the estimated cost of which exceeds ten thousand rupees made by the commissioner shall be reported to the concerned standing committee within fifteen days from the date on which it has been made.".

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

8. In the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), for sections 39 and 39-A, the following section shall be substituted, namely:-

"39. Mayor may obtain report.--The Mayor may obtain report from the commissioner on any matter connected with the administration of the corporation."

9. For section 99 of the 1981 Act, the following sections shall be substituted, namely:-

"99. Powers of municipal authorities to sanction estimates.--The powers of the different municipal authorities to sanction estimates shall be as follows:-

(a) when the amount of estimate does not exceed fifty thousand rupees, the sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds fifty thousand rupees but does not exceed five lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds five lakhs of rupees but does not exceed ten lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;
(d) when the amount of estimate exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;

(e) when the amount of estimate exceeds fifteen lakhs of rupees but does not exceed twenty-five lakhs of rupees, the sanction of the council shall be required;

(f) when the amount of estimate exceeds twenty-five lakhs of rupees, the sanction of the Government shall be required.

100. Works costing more than five lakhs of rupees.--(1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds five lakhs of rupees,--

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,--

(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds five lakhs of rupees but does not exceed ten lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees;

(iii) before the council, if the entire estimated cost exceeds fifteen lakhs of rupees;

(b) the concerned standing committee or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the council approves the project subject to any modifications or otherwise, the entire estimated cost of which exceeds twenty-five lakhs of rupees, the same shall be submitted to the Government.

(b) The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

10. In section 101 of the 1981 Act, for sub-section (2), the following sub-section shall be substituted, namely:-

“(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:-

(a) no contract the estimated cost of which does not exceed fifty thousand rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds fifty thousand rupees but does not exceed five lakhs of rupees shall be made by the commissioner;

(c) no contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(d) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;
(e) no contract the estimated cost of which exceeds fifteen lakhs of rupees but
does not exceed twenty-five lakhs of rupees shall be made by the commissioner unless it
has been sanctioned by the council;

(f) no contract the estimated cost of which exceeds twenty-five lakhs of rupees
shall be made by the commissioner unless it has been sanctioned by the Government;

(g) every contract the estimated cost of which exceeds ten thousand rupees made
by the commissioner shall be reported to the concerned standing committee within fifteen
days from the date on which it has been made."

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the
Governor on the 4th June 2002 and is hereby published for general information:—

ACT No. 29 OF 2002.

An Act further to amend the Laws relating to Municipal Corporations and
Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the
Fifty-third Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2002.

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the 1919 Act), after section 52, the following section shall be inserted, namely:—

"52-A. Disqualification for Mayor, Deputy Mayor and councillor.—
Notwithstanding anything contained in this Act, no person shall be qualified for
being elected as, and for being, a Mayor, Deputy Mayor or councillor if he is a
member of the Legislative Assembly of the State or a member of either House of
Parliament."

PART-III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In the Madurai City Municipal Corporation Act, 1971 (hereinafter referred to as the 1971 Act), after section 56, the following section shall be inserted, namely:—

"56-A. Disqualification for Mayor, Deputy Mayor and councillor.—
Notwithstanding anything contained in this Act, no person shall be qualified for
being elected as, and for being, a Mayor, Deputy Mayor or councillor if he is a
member of the Legislative Assembly of the State or a member of either House of
Parliament."

PART-IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act), after section 58, the following section shall be inserted, namely:—

"58-A. Disqualification for Mayor, Deputy Mayor and councillor.—
Notwithstanding anything contained in this Act, no person shall be qualified for
being elected as, and for being, a Mayor, Deputy Mayor or councillor if he is a
member of the Legislative Assembly of the State or a member of either House of
Parliament."

PART-V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the 1920 Act), after section 49, the following section shall be inserted, namely:—

"49-A. Disqualification for chairman, vice-chairman and councillor.—
Notwithstanding anything contained in this Act, no person shall be qualified for
being elected as, and for being, a chairman, vice-chairman or councillor of a municipality or of a town panchayat if he is a member of the Legislative Assembly of the State or a member of either House of Parliament.”.

PART-VI.

SPECIAL PROVISION

6. Notwithstanding anything contained in the 1919 Act, the 1971 Act, the 1981 Act or the 1920 Act, as amended by this Act, or in any other law for the time being in force or in any judgment, decree or order of a court, if a member of the Legislative Assembly of the State or a member of either House of Parliament holds the office of Mayor, Deputy Mayor or councillor of a municipal corporation or chairman, vice-chairman or councillor of a municipality or of a town panchayat immediately before the date of publication of this Act in the Tamil Nadu Government Gazette, he shall cease to hold such office at the expiration of fifteen days from the date of such publication and such office shall become vacant, unless he ceases to be a member of the Legislative Assembly of the State or a member of either House of Parliament before the expiry of the said period of fifteen days, by resignation or otherwise.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 1st June 2002 and is hereby published for general information:—

ACT No. 31 OF 2002.

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-third Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2002.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), after section 25-A, the following section shall be inserted, namely:—

“25-B. Mayor, Deputy Mayor or councillor to obtain permission to undertake trip to foreign country.—No person holding the office of Mayor, Deputy Mayor or councillor shall undertake any trip to any foreign country in his official capacity as such, except with the permission in writing of the State Government.”.

3. After section 358 of the 1919 Act, the following section shall be inserted, namely:—

“358-A. Penalty for failure to obtain permission of State Government for foreign trip.—Whoever undertakes a trip to any foreign country in violation of section 25-B shall be punished with fine which may extend to one thousand rupees.”.

PART III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), after section 25, the following section shall be inserted, namely:—

“25-A. Mayor, Deputy Mayor or councillor to obtain permission to undertake trip to foreign country.—No person holding the office of Mayor, Deputy Mayor or councillor shall undertake any trip to any foreign country in his official capacity as such, except with the permission in writing of the Government.”.

5. In the 1971 Act, after section 443, the following section shall be inserted, namely:—

“443-A. Penalty for failure to obtain permission of Government for foreign trip.—Whoever undertakes a trip to any foreign country in violation of section 25-A shall be punished with fine which may extend to one thousand rupees.”.
PART IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

6. In the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), after section 25, the following section shall be inserted, namely:-

"25-A. Mayor, Deputy Mayor or councillor to obtain permission to undertake trip to foreign country.-- No person holding the office of Mayor, Deputy Mayor or councillor shall undertake any trip to any foreign country in his official capacity as such, except with the permission in writing of the Government."

7. In the 1981 Act, after section 442, the following section shall be inserted, namely:-

"442-A. Penalty for failure to obtain permission of Government for foreign trip.—Whoever undertakes a trip to any foreign country in violation of section 25-A shall be punished with fine which may extend to one thousand rupees."

PART V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

8. In the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act), after section 12-B, the following section shall be inserted, namely:-

"12-BB. Chairman, vice-chairman or councillor to obtain permission to undertake trip to foreign country.—No person holding the office of chairman, vice-chairman or councillor shall undertake any trip to any foreign country in his official capacity as such, except with the permission in writing of the State Government."

9. After section 314 of the 1920 Act, the following section shall be inserted, namely:-

"314-A. Penalty for failure to obtain permission of State Government for foreign trip.—Whoever undertakes a trip to any foreign country in violation of section 12-BB shall be punished with fine which may extend to one thousand rupees."

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 26th November 2002 and is hereby published for general information:—

ACT No. 53 OF 2002.

An Act to amend the Tamil Nadu Municipal Laws (Second Amendment) Act, 2002.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-third Year of the Republic of India as follows:—

PART-I.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Amendment Act, 2002.

(2) It shall come into force at once.

PART-II.

2. After section 2 of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2002 (hereinafter referred to as the 2002 Act), the following section shall be inserted, namely:—

"2-A. After section 43 of the 1919 Act, the following section shall be inserted, namely:—

43-A. State Government’s power to remove Mayor, Deputy Mayor or Councillor convicted under section 358-A.—(1) Notwithstanding anything contained in this Act, the State Government may, by notification, remove any Mayor, Deputy Mayor or Councillor who is convicted twice of an offence punishable under section 358-A.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor, Deputy Mayor or Councillor concerned an opportunity to explain and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the Office of Mayor, Deputy Mayor or Councillor, as the case may be, shall not be eligible for election to the said office until the date on which notice of the next ordinary election to the Corporation is published in the prescribed manner or the expiry of one year from the date specified in such notification, whichever is earlier.”.

3. In section 3 of the 2002 Act, in section 358-A proposed to be inserted in the Chennai City Municipal Corporation Act, 1919, for the expression “shall be punished with fine which may extend to one thousand rupees”, the expression “shall, on conviction, be punished with fine which may extend to fifty thousand rupees” shall be substituted.

PART-III.

4. After section 4 of the 2002 Act, the following section shall be inserted, namely:—

"4-A. After section 45 of the 1971 Act, the following section shall be inserted, namely:—

45-A. Government’s power to remove Mayor, Deputy Mayor or Councillor convicted under section 443-A.—(1) Notwithstanding anything contained in this Act, the Government may, by notification, remove any Mayor, Deputy Mayor or Councillor who is convicted twice of an offence punishable under section 443-A.

(2) The Government shall, when they propose to take action under sub-section (1), give the Mayor, Deputy Mayor or Councillor concerned an opportunity to explain and the notification issued under the said sub-section shall contain a statement of the reasons of the Government for the action taken.

(3) Any person removed under sub-section (1) from the Office of Mayor, Deputy Mayor or Councillor, as the case may be, shall not be eligible for election to the said office.
until the date on which notice of the next ordinary election to the Corporation is published in the prescribed manner or the expiry of one year from the date specified in such notification, whichever is earlier.”.

5. In section 5 of the 2002 Act, in section 443-A proposed to be inserted in the Madurai City Municipal Corporation Act, 1971, for the expression “shall be punished with fine which may extend to one thousand rupees”, the expression “shall, on conviction, be punished with fine which may extend to fifty thousand rupees” shall be substituted.

PART-IV.

6. After section 6 of the 2002 Act, the following section shall be inserted, namely:

“6-A. After section 47 of the 1981 Act, the following section shall be inserted, namely:

47-A. Government's power to remove Mayor, Deputy Mayor or Councillor convicted under section 442-A.—(1) Notwithstanding anything contained in this Act, the Government may, by notification, remove any Mayor, Deputy Mayor or Councillor who is convicted twice of an offence punishable under section 442-A.

(2) The Government shall, when they propose to take action under sub-section (1), give the Mayor, Deputy Mayor or Councillor concerned an opportunity to explain and the notification issued under the said sub-section shall contain a statement of the reasons of the Government for the action taken.

(3) Any person removed under sub-section (1) from the Office of Mayor, Deputy Mayor or Councillor, as the case may be, shall not be eligible for election to the said office until the date on which notice of the next ordinary election to the Corporation is published in the prescribed manner or the expiry of one year from the date specified in such notification, whichever is earlier.”.

7. In section 7 of the 2002 Act, in section 442-A proposed to be inserted in the Coimbatore City Municipal Corporation Act, 1981, for the expression “shall be punished with fine which may extend to one thousand rupees”, the expression “shall, on conviction, be punished with fine which may extend to fifty thousand rupees” shall be substituted.

PART-V.

8. After section 8 of the 2002 Act, the following section shall be inserted, namely:

“8-A. After section 40-B of the 1920 Act, the following section shall be inserted, namely:

40-BB. State Government’s power to remove Chairman, Vice-Chairman or Councillor convicted under section 314-A.—(1) Notwithstanding anything contained in this Act, the State Government may, by notification, remove any Chairman, Vice-Chairman or Councillor who is convicted twice of an offence punishable under section 314-A.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Chairman, Vice-Chairman or Councillor concerned an opportunity to explain and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the Office of Chairman, Vice-Chairman or Councillor, as the case may be, shall not be eligible for election to the said office until the date on which notice of the next ordinary election to the Municipal Council is published in the prescribed manner or the expiry of one year from the date specified in such notification, whichever is earlier.”.
9. In section 9 of the 2002 Act, in section 314-A proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920, for the expression “shall be punished with fine which may extend to one thousand rupees”, the expression “shall, on conviction, be punished with fine which may extend to fifty thousand rupees” shall be substituted.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 17th May 2003 and is hereby published for general information:—

**ACT No. 19 OF 2003.**

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:—

**PART-I**

**PRELIMINARY**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2003.

   (2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART-II**

**AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. In section 326-B of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the principal Act), in sub-section (1), for the expression "Commissioner", the expression "District Collector" shall be substituted.

3. In section 326-C of the principal Act,—

   (1) for the expression "Commissioner", in three places where it occurs, the expression "District Collector" shall be substituted;

   (2) after sub-section (4), the following sub-section shall be added, namely:—

   "(5) The fee paid under sub-section (1) shall be credited to the State Government account in such manner as may be prescribed."

4. After section 326-C of the principal Act, the following section shall be inserted, namely:—

"326-CC. Tax on advertisement on hoardings.—(1) Notwithstanding anything contained in this Act, every person, who is granted licence under section 326-C shall pay, on every advertisement on hoardings, a tax calculated at such rates as may be prescribed, having regard to the location, size, reach and nature of the advertisement but subject to the maxima and minima specified in the Table below:—

**THE TABLE**

<table>
<thead>
<tr>
<th>Location and Nature</th>
<th>Rates of tax per square metre per half year (Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Minimum</td>
</tr>
<tr>
<td>1. Hoardings in arterial road with bus route</td>
<td>250</td>
</tr>
<tr>
<td>(a) without lighting</td>
<td>300</td>
</tr>
<tr>
<td>(b) with ordinary lighting</td>
<td>350</td>
</tr>
<tr>
<td>(c) with neon or mercury lighting</td>
<td>400</td>
</tr>
</tbody>
</table>
2. Hoardings in main road with bus route—
   (a) without lighting 180 300
   (b) with ordinary lighting 230 400
   (c) with neon or mercury lighting 280 500

3. Hoardings in other road or street—
   (a) without lighting 120 200
   (b) with ordinary lighting 150 300
   (c) with neon or mercury lighting 200 400

(2) Seventy-five per cent of the tax paid by every person under sub-section (1) shall be credited to the State Government account and the balance of twenty-five per cent shall be credited to the Corporation account in such manner as may be prescribed.

5. In section 326-D of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

6. In section 326-E of the principal Act, for the expression "Commissioner", the expression "District Collector" shall be substituted.

7. In section 326-F of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

8. In section 326-H of the principal Act—

   (1) in sub-section (1)—

   (a) for the expression "Standing Committee", the expression "State Government" shall be substituted;

   (b) for the expression "Commissioner", the expression "District Collector" shall be substituted;

   (2) in sub-section (3), for the expression "Standing Committee", the expression "State Government" shall be substituted.

9. In section 326-J of the principal Act, for the expression "Commissioner", in four places where it occurs, the expression "District Collector" shall be substituted.

PART-III

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

10. In section 285-B of the Tamil Nadu District Municipalities Act, 1920 (hereafter referred to as the principal Act), in sub-section (1), for the expression "executive authority", the expression "District Collector" shall be substituted.

11. In section 285-C of the principal Act—

   (1) for the expression "executive authority", in three places where it occurs, the expression "District Collector" shall be substituted.

   (2) after sub-section (4), the following sub-section shall be added, namely:

   "(5) The fee paid under sub-section (1) shall be credited to the State Government account in such manner as may be prescribed."

12. After section 285-C of the principal Act, the following section shall be inserted, namely:
(285-CC. Tax on advertisement on hoardings.--) Notwithstanding anything contained in this Act, every person, who is granted licence under section 285-C shall pay, on every advertisement on hoardings, a tax calculated at such rates as may be prescribed, having regard to the location, size, reach and nature of the advertisement but subject to the maxima and minima specified in the Table below:

<table>
<thead>
<tr>
<th>Location and Nature.</th>
<th>Rates of tax per square metre per half year. (Rupees).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
</tbody>
</table>

**Municipalities**

1. Hoardings in arterial road with bus route—
   - (a) without lighting 75 300
   - (b) with ordinary lighting 90 400
   - (c) with neon or mercury lighting 100 500

2. Hoardings in main road with bus route—
   - (a) without lighting 60 200
   - (b) with ordinary lighting 70 300
   - (c) with neon or mercury lighting 80 400

3. Hoardings in other road or street—
   - (a) without lighting 50 100
   - (b) with ordinary lighting 60 200
   - (c) with neon or mercury lighting 70 250

**Town Panchayats**

1. Hoardings in arterial road with bus route—
   - (a) without lighting 60 180
   - (b) with ordinary lighting 80 360
   - (c) with neon or mercury lighting 90 450

2. Hoardings in main road with bus route—
   - (a) without lighting 40 120
   - (b) with ordinary lighting 60 240
   - (c) with neon or mercury lighting 70 300

3. Hoardings in other road or street—
   - (a) without lighting 20 60
   - (b) with ordinary lighting 30 120
   - (c) with neon or mercury lighting 60 150
(2) Seventy-five per cent of the tax paid by every person, under sub-section (1) shall be credited to the State Government account and the balance of twenty-five per cent shall be credited to the concerned Municipality or Town Panchayat account within whose jurisdiction such tax has been collected in such manner as may be prescribed.

13. In section 285-D of the principal Act, for the expression "executive authority", in two places where it occurs, the expression "District Collector" shall be substituted.

14. In section 285-E of the principal Act, for the expression "executive authority", the expression "District Collector" shall be substituted.

15. In section 285-F of the principal Act, for the expression, "executive authority", in two places where it occurs, the expression "District Collector" shall be substituted.

16. In section 285-H of the principal Act,—

(1) in sub-section (1), —

(a) for the expression "Taxation Appeals Committee", the expression "State Government" shall be substituted;

(b) for the expression "executive authority", the expression "District Collector" shall be substituted;

(2) in sub-section (3), for the expression "Taxation Appeals Committee", the expression "State Government" shall be substituted.

17. In section 285-J of the principal Act, for the expression "executive authority", in four places where it occurs, the expression "District Collector" shall be substituted.

PART-IV

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

18. In section 410-B of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the principal Act), in sub-section (1), for the expression "Commissioner", the expression "District Collector" shall be substituted.

19. In section 410-C of the principal Act,—

(1) for the expression "Commissioner", in three places where it occurs, the expression "District Collector" shall be substituted;

(2) after sub-section (4), the following sub-section shall be added, namely:—

"(5) The fee paid under sub-section (1) shall be credited to the Government account in such manner as may be prescribed."

20. After section 410-C of the principal Act, the following section shall be inserted, namely:—

"410-CC. Tax on advertisement on hoardings. — (1) Notwithstanding anything contained in this Act, every person, who is granted licence under section 410-C shall pay, on every advertisement on hoardings, a tax calculated at such rates as may be prescribed, having regard to the location, size, reach and nature of the advertisement but subject to the maxima and minima specified in the Table below:"
## THE TABLE

<table>
<thead>
<tr>
<th>Location and Nature</th>
<th>Rates of tax per square metre per half year (Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
</tr>
</tbody>
</table>

1. Hoardings in arterial road with bus route—
   - (a) without lighting: 150 | 400
   - (b) with ordinary lighting: 200 | 600
   - (c) with neon or mercury lighting: 300 | 700

2. Hoardings in main road with bus route—
   - (a) without lighting: 100 | 300
   - (b) with ordinary lighting: 150 | 400
   - (c) with neon or mercury lighting: 200 | 500

3. Hoardings in other road or street—
   - (a) without lighting: 90 | 200
   - (b) with ordinary lighting: 125 | 300
   - (c) with neon or mercury lighting: 150 | 400

(2) Seventy-five per cent of the tax paid by every person, under sub-section (1) shall be credited to the Government account and the balance of twenty-five per cent shall be credited to the Corporation account in such manner as may be prescribed."

21. In section 410-D of the principal Act, for the expression “Commissioner”, in two places where it occurs, the expression “District Collector” shall be substituted.

22. In section 410-E of the principal Act, for the expression “Commissioner”, the expression “District Collector” shall be substituted.

23. In section 410-F of the principal Act, for the expression “Commissioner”, in two places where it occurs, the expression “District Collector” shall be substituted.

24. In section 410-H of the principal Act,—
   - (1) in sub-section (1)—
     - (a) for the expression “Standing Committee”, the expression “Government” shall be substituted;
     - (b) for the expression “Commissioner”, the expression “District Collector” shall be substituted;
   - (2) in sub-section (3), for the expression “Standing Committee”, the expression “Government” shall be substituted.

25. In section 410-J of the principal Act, for the expression “Commissioner”, in four places where it occurs, the expression “District Collector” shall be substituted.
PART-V
AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

26. In section 410-B of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the principal Act), in sub-section (1), for the expression “Commissioner”, the expression “District Collector” shall be substituted.

27. In section 410-C of the principal Act,—

(1) for the expression “Commissioner”, in three places where it occurs, the expression “District Collector” shall be substituted;

(2) after sub-section (4), the following sub-section shall be added, namely:

“(5) The fee paid under sub-section (1) shall be credited to the Government account in such manner as may be prescribed.”.

28. After section 410-C of the principal Act, the following section shall be inserted, namely:

“410-CC. Tax on advertisement on hoardings.—(1) Notwithstanding anything contained in this Act, every person, who is granted licence under section 410-C shall pay, on every advertisement on hoardings, a tax calculated at such rates as may be prescribed, having regard to the location, size, reach and nature of the advertisement but subject to the maxima and minima specified in the Table below:—

THE TABLE

<table>
<thead>
<tr>
<th>Location and Nature</th>
<th>Rates of tax per square metre per half year.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Rupees)</td>
</tr>
<tr>
<td>(1)</td>
<td>Minimum</td>
</tr>
</tbody>
</table>

1. Hoardings in arterial road with bus route—
   (a) without lighting 150 400
   (b) with ordinary lighting 200 600
   (c) with neon or mercury lighting 300 700

2. Hoardings in main road with bus route—
   (a) without lighting 100 300
   (b) with ordinary lighting 150 400
   (c) with neon or mercury lighting 200 500

3. Hoardings in other road or street—
   (a) without lighting 90 200
   (b) with ordinary lighting 125 300
   (c) with neon or mercury lighting 150 400

(2) Seventy-five per cent of the tax paid by every person, under sub-section (1) shall be credited to the Government account and the balance of twenty-five per cent shall be credited to the Corporation account in such manner as may be prescribed.”.
29. In section 410-D of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

30. In section 410-E of the principal Act, for the expression "Commissioner", the expression "District Collector" shall be substituted.

31. In section 410-F of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

32. In section 410-H of the principal Act,—

   (1) in sub-section (1),—
   (a) for the expression "Standing Committee", the expression "Government" shall be substituted;
   (b) for the expression "Commissioner", the expression "District Collector" shall be substituted;

   (2) in sub-section (3), for the expression "Standing Committee", the expression "Government" shall be substituted.

33. In section 410-J of the principal Act, for the expression "Commissioner", in four places where it occurs, the expression "District Collector" shall be substituted.

PART-VI

SPECIAL PROVISIONS

34. (1) All licences to erect hoardings granted by the Commissioner or the executive authority, as the case may be, under the Chennai City Municipal Corporation Act, 1919, Tamil Nadu District Municipalities Act, 1920, Madurai City Municipal Corporation Act, 1971, Coimbatore City Municipal Corporation Act, 1981, Tiruchirappalli City Municipal Corporation Act, 1994, Tirunelveli City Municipal Corporation Act, 1994 and Salem City Municipal Corporation Act, 1994, shall be deemed to have been granted by the District Collector under the relevant Acts as amended by this Act.

   (2) All Applications for licence to erect hoardings, pending before the Commissioner or the executive authority, as the case may be, on the date of commencement of this Act, shall stand transferred to the District Collector concerned.

   (3) The District Collector shall dispose of the application transferred under sub-section (2) in accordance with the provisions of the relevant Acts.

   (4) No tax on advertisement on hoardings shall be levied in respect of any period for which such tax has already been paid under the relevant Acts before the date of commencement of this Act.

   (By order of the Governor)

A. KRISHNANKUTTY NAIR.
Secretary to Government,  
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th November 2003 and is hereby published for general information:—

ACT No. 33 OF 2003.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:—

PART-I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 19th July 2003.

PART-II

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. After section 255 of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:—

"255-A. Provision of Rain Water Harvesting Structure.—(1) In every building owned or occupied by the Government or a statutory body or company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

Explanation.—Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is not provided as required under sub-section (2), the Commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

(4) Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided."

PART-III

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. After section 215 of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:—

"215-A. Provision of Rain Water Harvesting Structure.—(1) In every building owned or occupied by the Government or a statutory body or company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rainwater harvesting structure in the building in such manner and within such period as may be prescribed.
Where the rain water harvesting structure is not provided as required under sub-section (2), the Executive Authority or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.”

**PART-IV**

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. After section 295 of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:—

“295-A. Provision of Rain Water harvesting Structure.—(1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

**Explanation.**—Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

Where the rain water harvesting structure is not provided as required under sub-section (2), the Commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.”

**PART-V**

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. After section 295 of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:—

“295-A. Provision of Rain Water harvesting Structure.—(1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other
Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

Explanation.—Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

Where the rain water harvesting structure is not provided as required under sub-section (2), the Commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.

6. (1) The Tamil Nadu Municipal Laws (Second Amendment) Ordinance, 2003 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been taken or done under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as amended by this Act.”.

(By order of the Governor)

A. KRISHNANKUTTY NAIR,  
Secretary to Government,  
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th November 2003 and is hereby published for general information:

**ACT No. 41 OF 2003.**

An Act further to amend the Chennai City Municipal Corporation Act, 1919.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2003.

(2) It shall be deemed to have come into force on the 30th October 2003.

2. In the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), for sections 78 and 79, the following sections shall be substituted, namely:

78. Powers of municipal authorities to sanction estimates.—The powers of the different municipal authorities to sanction estimates shall be as follows:

(a) when the amount of estimate does not exceed one lakh of rupees, the sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds one lakh of rupees but does not exceed thirty-five lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds thirty-five lakhs of rupees but does not exceed forty lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;

(d) when the amount of estimate exceeds forty lakhs of rupees but does not exceed forty-five lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;

(e) when the amount of estimate exceeds forty-five lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the council shall be required;

(f) when the amount of estimate exceeds fifty lakhs of rupees, the sanction of the State Government shall be required.

79. Works costing more than thirty-five lakhs of rupees.—(1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds thirty-five lakhs of rupees,

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,—

(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds thirty-five lakhs of rupees but does not exceed forty lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds forty lakhs of rupees but does not exceed forty-five lakhs of rupees;

(iii) before the council, if the entire estimated cost exceeds forty-five lakhs of rupees.

(b) the concerned standing committee or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modification or may reject the same.

(2) (a) Where the council approves the project, subject to any modification or otherwise, the entire estimated cost of which exceeds fifty lakhs of rupees, the same shall be submitted to the State Government.

(b) The State Government may sanction the project either in its entirety or subject to modification or may reject the same and the work shall not be commenced without such sanction of the State Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the State Government.
Amendment of section 80.

3. In section 80 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:

(a) no contract the estimated cost of which does not exceed one lakh of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds one lakh of rupees but does not exceed thirty-five lakhs of rupees may be made by the commissioner;

(c) no contract the estimated cost of which exceeds thirty-five lakhs of rupees but does not exceed forty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(d) no contract the estimated cost of which exceeds forty lakhs of rupees but does not exceed forty-five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;

(e) no contract the estimated cost of which exceeds forty-five lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the council;

(f) no contract the estimated cost of which exceeds fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the State Government;

(g) every contract the estimated cost of which exceeds forty thousand rupees made by the commissioner shall be reported to the concerned standing committee within fifteen days from the date on which it has been made."

Repeal and saving.

4. (1) The Chennai City Municipal Corporation (Amendment) Ordinance, 2003 is hereby repealed.

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

(By order of the Governor)

A. KRISHNANKUTTY NAIR,
Secretary to Government,
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 21st June 2005 and is hereby published for general information:

ACT No. 8 OF 2005.

An Act further to amend the Chennai City Municipal Corporation Act, 1919.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-sixth Year of the Republic of India as follows:

1. This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2005.

2. In section 53 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), in sub-section (1), in clause (i), for the expression "the meetings of the council for a period of three consecutive months beginning from", the expression "three consecutive meetings of the council held after" shall be substituted.

3. In Schedule II to the principal Act,—

(1) in rule 2, for the expression "every month", the expression "every three months" shall be substituted;

(2) in rule 4, for the expression "At an ordinary meeting held in each of the months of April, June, August, October, December and February", the expression "At an ordinary meeting held once in every three months" shall be substituted.

(By order of the Governor)

L. JAYASANKARAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 1st September 2006 and is hereby published for general information:

ACT No. 18 OF 2006.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:

PART I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 14th day of July 2006.

PART II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. For Sections 28 and 29 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), the following sections shall be substituted, namely:

"28 Election of Mayor and Deputy Mayor.—(1) The council shall, at its first meeting after each ordinary election to the council,—

(i) elect one of its councillors to be the Mayor; and,

(ii) elect one of its councillors other than the Mayor to be the Deputy Mayor.

(2) A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

29. Term of Office of Mayor and Deputy Mayor.—(1) The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.

(2) On the occurrence of any vacancy in the Office of Mayor or Deputy Mayor, the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

(3) A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be."

3 After Section 44-AA of the 1919 Act, the following sections shall be inserted, namely:

"44-AB. State Government to remove Mayor or Deputy Mayor.—(1) The State Government may, by notification, remove a Mayor or a Deputy Mayor, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued under this Act or abuses the powers vested in him.
(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor or Deputy Mayor concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the Office of the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or the expiry of one year from the date specified in such notification.

44-AC. Motion of no-confidence in Mayor or Deputy Mayor.—(1) Subject to the provisions of this section, a motion expressing want of confidence in the Mayor or Deputy Mayor may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the State Government, signed by such number of councillors as shall constitute not less than one half of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered in person to the commissioner by any two of the councillors signing the notice.

(3) The commissioner shall then convene a meeting for the consideration of the motion, to be held at the Municipal Office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The commissioner shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the councillors by the commissioner under sub-section (5).

(5) If the commissioner is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting; if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the council.

(10) The commissioner shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the commissioner to the State Government.
(12) If the motion is carried with the support of not less than three-fifth of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Mayor or the Deputy Mayor shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a Mayor or a Deputy Mayor.

4. After section 46-A of the 1919 Act, the following section shall be inserted, namely:

"46-AA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the 14th day of July 2006, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors to be returned from such divisions shall be the same as they exist on the 14th day of July 2006."

5. In section 59 of the 1919 Act, in sub-section (2), in clause (c), for the words "councillor or Mayor", the word "councillor" shall be substituted.

6. In section 348 of the 1919 Act, clauses (a) and (b) shall be omitted.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

7. For sections 29 and 30 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), the following sections shall be substituted, namely:

"29. Election of Mayor and Deputy Mayor.—(1) The council shall, at its first meeting after each ordinary election to the council,—

(i) elect one of its councillors to be the Mayor; and

(ii) elect one of its councillors other than the Mayor to be the Deputy Mayor.

(2) A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

30. Term of office of Mayor and Deputy Mayor.—(1) The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.

(2) On the occurrence of any vacancy in the office of Mayor or Deputy Mayor, the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

(3) A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be."
8. After section 48-A of the 1971 Act, the following sections shall be inserted, namely—

"48-AA. State Government to remove Mayor or Deputy Mayor.—(1) The State Government may, by notification, remove a Mayor or a Deputy Mayor, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations made or lawful orders issued under this Act or abuses the powers vested in him.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor or Deputy Mayor concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the office of the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or expiry of one year from the date specified in such notification.

48-AB. Motion of no-confidence in Mayor or Deputy Mayor.—(1) Subject to the provisions of this section, a motion expressing want of confidence in the Mayor or Deputy Mayor may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the State Government, signed by such number of councillors as shall constitute not less than one half of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered in person to the commissioner by any two of the councillors signing the notice.

(3) The commissioner shall then convene a meeting for the consideration of the motion, to be held at the municipal office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The commissioner shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the councillors by the commissioner under sub-section (5).

(5) If the commissioner is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the council.
(10) The commissioner shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the commissioner to the State Government.

(12) If the motion is carried with the support of not less than three-fifth of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Mayor or the Deputy Mayor shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a Mayor or a Deputy Mayor.

9. After section 50 of the 1971 Act, the following section shall be inserted, namely:

"50-A. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the 14th day of July 2006, the territorial area of the wards of the city, the total number of wards and the total number of councillors to be returned from such wards shall be the same as they exist on the 14th day of July 2006."

10. In section 66 of the 1971 Act, in sub-section (2), in clause (b), for the words "councillor or Mayor", the word "councillor" shall be substituted.

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

11. For sections 29 and 30 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), the following sections shall be substituted, namely:

"29. Election of Mayor and Deputy Mayor.—(1) The council shall, at its first meeting after each ordinary election to the council,—

(i) elect one of its councillors to be the Mayor: and

(ii) elect one of its councillors other than the Mayor to be the Deputy Mayor.

(2) A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

30. Term of office of Mayor and Deputy Mayor.—(1) The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.

(2) On the occurrence of any vacancy in the office of Mayor or Deputy Mayor, the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.
(3) A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be."

12. After section 50-A of the 1981 Act, the following sections shall be inserted, namely:

"50-B. State Government to remove Mayor or Deputy Mayor.—(1) The State Government may, by notification, remove a Mayor or a Deputy Mayor, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations made or lawful orders issued under this Act or abuses the powers vested in him.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor or Deputy Mayor concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the office of the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or the expiry of one year from the date specified in such notification.

50-C. Motion of no-confidence in Mayor or Deputy Mayor.—(1) Subject to the provisions of this section, a motion expressing want of confidence in the Mayor or Deputy Mayor may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the State Government, signed by such number of councillors as shall constitute not less than one half of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered in person to the commissioner by any two of the councillors signing the notice.

(3) The commissioner shall then convene a meeting for the consideration of the motion, to be held at the Municipal Office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The commissioner shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the councillors by the commissioner under sub-section (5).

(5) If the commissioner is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate.
(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the council.

(10) The commissioner shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the commissioner to the State Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same Mayor or the Deputy Mayor shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a Mayor or a Deputy Mayor."

13. After section 52 of the 1981 Act, the following section shall be inserted, namely:

"52-A. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act for the first election to the council to be held immediately after the 14th day of July 2006, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors to be returned from such divisions shall be the same as they exist on the 14th day of July 2006."

14. In section 68 of the 1981 Act, in sub-section (2), in clause (b), for the words “councillor or Mayor”, the word “councillor” shall be substituted.

PART V
AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

15. In the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), in section 3,—

(1) in clause (7-A), for the expression “Third Grade municipality”, the expression “Third Grade municipality, town panchayat” shall be substituted;

(2) in clause (12-C), for the expression “Third Grade municipality”, the expression “Third Grade municipality, the town panchayat” shall be substituted;

(3) for clause (18-A), the following clause shall be substituted, namely—

"(18-A) “panchayat town” means an area in transition from a rural area to an urban area classified as panchayat town under section 3-P;"

(4) in clause (29-A), for the expression “Third Grade municipality”, the expression “Third Grade municipality or town panchayat” shall be substituted;

(5) after clause (29-A), the following clause shall be inserted, namely—

"(29-AA) “transitional area” means an area in transition from a rural area to an urban area classified as transitional area under section 3-B;"."
16. In section 3-F of the 1920 Act, in sub-section (1), the expression "(exclusive of its chairman)" shall be omitted;

17. After Chapter I-A of the 1920 Act, the following Chapter shall be inserted, namely:

"CHAPTER I-B.

TOWN PANCHAYATS.

3-O. Application of Chapter.—This Chapter shall apply only to the town panchayats.

3-P. Formation of town panchayats.—(1) The Governor—

(a) may, having regard to the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he deems fit, by notification, classify and declare every local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages and having a population estimated at less than thirty thousand as a panchayat town for the purposes of this Act; and

(b) shall, by notification, specify the name of such panchayat town.

(2) In every panchayat town declared as such under sub-section (1), there shall be established a town panchayat.

(3) (a) The Governor may, by notification, exclude from a panchayat town any area comprised therein.

(b) In regard to any area excluded under clause (a), the Governor may, by notification under sub-section (1), declare it to be a panchayat town or include it in any contiguous panchayat town under clause (c) (i).

(c) The Governor may, by notification,—

(i) include in a panchayat town any local area contiguous thereto; or

(ii) cancel or modify a notification issued under sub-section (1); or

(iii) alter the name of the panchayat town specified under clause (b) of sub-section (1).

(d) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1) or under clause (c), the Governor shall give the town panchayat or town panchayats which will be affected by the issue of such notification, a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such town panchayat or town panchayats.

(4) Any rate-payer or inhabitant of such area or any town panchayat concerned may, if he or it objects to any notification under sub-section (1) or sub-section (3), appeal to the High Court within such period as may be prescribed.

3-Q. Constitution of town panchayats.—(1) Save as provided under sub-section (2), every town panchayat shall consist of the elected members as determined under section 3-X.

(2) The following persons shall be represented in the town panchayat, namely:—

(a) the members of the House of the People and the members of the State Legislative Assembly representing a constituency comprising the whole or any part of the town panchayat; and
(b) the members of the Council of States who are registered as electors within the area of the town panchayat.

(3) The members of the House of the People, the State Legislative Assembly and the Council of States referred to in clauses (a) and (b) of sub-section (2) shall be entitled to take part in the proceedings, but shall not have the right to vote in the meetings, of the town panchayat.

3-R. Incorporation of town panchayats.—(1) A town panchayat shall be constituted for each panchayat town consisting of such number of elected members, with effect from such date as may be specified in the notification issued in that behalf by the Governor.

(2) Subject to the provisions of this Act, the administration of the panchayat town shall vest in the town panchayat, but the town panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its chairman or to any other authority.

(3) Every town panchayat shall be a body corporate by the name of the panchayat town specified in the notification issued under section 3-P, shall have perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, or acquiring, holding and transferring property, movable or immovable or entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

3-S. Alteration of classification of panchayat towns.—(1) The Governor may alter any classification, notified under sub-section (1) of section 3-P, if in his opinion, the panchayat town satisfies or ceases to satisfy the conditions referred to in that sub-section.

(2) Any decision made by the Governor under this section shall not be questioned in a court of law.

3-T. Strength of a town panchayat.—(1) Notwithstanding anything contained in this Act, the total number of members of a town panchayat shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to the population as ascertained at the last preceding census of which the relevant figures have been published.

(2) The Inspector may, from time to time, by notification, alter the total number of members of a town panchayat notified under sub-section (1).

3-U. Duration of town panchayat.—(1) Every town panchayat, unless sooner dissolved, shall continue for five years beginning from the date appointed for its first meeting after each ordinary election and no longer and the expiration of the said period of five years shall operate as a dissolution of the town panchayat.

(2) An election to constitute a town panchayat shall be completed.—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved town panchayat would have continued is less than six months, it shall not be necessary to hold any election for constituting the town panchayat for such period.
ELECTION AND TERM OF OFFICE OF MEMBERS.

3-V. Election of members to town panchayat.—The members of town panchayat referred to in sub-section (1) of section 3-Q shall be elected in such manner as may be prescribed:

Provided that no person shall be eligible to be elected under this Act as a member of more than one town panchayat.

3-W. Reservation of seats.—(1) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in every town panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that town panchayat as the population of the Scheduled Castes in the town panchayat area, or of the Scheduled Tribes in that town panchayat area, bears to the total population of that area.

(2) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(3) Seats shall be reserved for women in the town panchayat and the number of seats reserved for women shall not be less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the town panchayat.

(4) (a) The offices of the chairmen of the town panchayats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices in the State as the population of the Scheduled Castes in all the town panchayats in the State or the Scheduled Tribes in all the town panchayats in the State, bears to the total population of all the town panchayats in the State.

(b) The offices of the chairmen of the town panchayats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the offices reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes which shall not be less than one-third of the total number of offices reserved for the Scheduled Castes and the Scheduled Tribes.

(5) The offices of the chairmen of the town panchayats shall be reserved for women and the number of offices reserved for women shall not be less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of offices of the chairmen of the town panchayats in the State:

Provided that the offices reserved under this sub-section and under sub-section (4) shall be allotted by rotation to different town panchayats in such manner as may be prescribed.

(6) The reservation of seats under sub-sections (1) and (2) and the reservation of offices of chairmen under sub-section (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

3-X. Division of town panchayats into wards.—(1) For the purpose of election of members to a town panchayat, the Inspector shall, after consulting the town panchayat, by notification, divide the panchayat town into wards and determine the number of members to be elected in accordance with such scales as may be prescribed.
(2) Only one member shall be elected from each ward.

3-Y. Term of office of members. (1) Except as otherwise provided in this Act, members of every town panchayat elected at an ordinary election shall hold office for a term of five years.

(2) The term of office of the members elected at ordinary election shall commence on the date appointed for the first meeting of the town panchayat after such ordinary election.

(3) The member of a town panchayat elected in a casual vacancy shall enter upon the office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

3-Z. Electoral roll. (1) The electoral roll of a town panchayat shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of law for the time being in force in a panchayat town and shall be deemed to be the electoral roll for such town panchayat for the purposes of this Act.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for elections in any town panchayat and before the notification of the result of such election shall form part of the electoral roll for such election, for the purposes of this section.

3-AA. Application of the Act to town panchayats. The State Government may, by notification, direct that any of the provisions of this Act and the rules made under this Act or of any other enactment for the time being in force elsewhere in the State of Tamil Nadu but not in the panchayat town shall apply to that town panchayat to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

3-BB. Chapter to override other laws. (1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law.

(2) Save as otherwise provided in sub-section (1), the provisions of this Chapter shall be in addition to, and not in derogation of, any other provisions of this Act.

3-CC. Special provisions relating to village panchayat constituted as town panchayat. (1) Notwithstanding anything contained in this Act,—

(a) the president and members of a village panchayat, who are elected or deemed to have been elected and holding office as such immediately before the date of constitution of such village panchayat as town panchayat under this Act, shall be deemed to be the chairman and members of such town panchayat elected under this Act and such chairman and members shall continue to hold office upto such date as the State Government may, by notification, fix in this behalf or, in case no such date is fixed, up to the date on which their term of office would expire under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and such chairman and members shall exercise all powers and perform all duties conferred on the chairman and members by or under this Act;

(b) all the employees, other than the provincialised employees of the village panchayat immediately before its constitution as town panchayat shall be the employees of such town panchayat under this Act. The provincialised employees shall continue to serve under the town panchayat.
(2) Subject to the provisions of sub-section (1), the provisions of this Act and the rules made thereunder shall apply to the town panchayat referred to in sub-section (1)."

18. In section 7 of the 1920 Act, in sub-section (1), the expression "exclusive of its chairman" shall be omitted.

19. Section 7-A of the 1920 Act, shall be omitted.

20. In section 8 of the 1920 Act,—

(1) in the marginal heading, for the expression, "chairman or councillors", the word "councillors" shall be substituted;

(2) in sub-section (1), for the expression "chairman and councillors", the word "councillors" shall be substituted;

(3) in sub-section (2), for the expression "chairman and councillors", the word "councillors" shall be substituted;

(4) sub-section (2-A) shall be omitted;

(5) in sub-section (3), for the expression "The chairman or a councillor", the expression "A councillor" shall be substituted;

(6) in sub-section (4), for the expression "The chairman or a councillor", the expression "A councillor" shall be substituted;

(7) in sub-section (5), for the expressions "The chairman or councillor" and "The chairman or the councillor", the expressions "A councillor" and "The councillor" shall, respectively, be substituted.

21. In section 9 of the 1920 Act,—

(1) in the marginal heading, for the expression "chairman or councillor", the word "councillor" shall be substituted;

(2) in sub-section (1), for the expression "chairman or councillor", the word "councillor" shall be substituted;

(3) in sub-section (3), for the expression "a chairman or a councillor elected under sub-section (1)", the expression "a councillor elected under this section" shall be substituted.

22. In section 12 of the 1920 Act,—

(1) before sub-section (3), the following sub-section shall be inserted, namely:—

"(2) Every council shall elect one of its members to be its chairman;"

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

"(4) A chairman shall be deemed to have vacated his office on the expiry of his term of office as a councillor or on his otherwise ceasing to be the councillor."

23. In section 12-A of the 1920 Act, including the marginal heading, for the expression "vice-chairman", occurring in two places, the expression "chairman or vice-chairman" shall be substituted.
24. For Section 14 of the 1920 Act, the following section shall be substituted, namely:—

"14. The chairman to be member of every committee of the council.—The chairman shall, by virtue of his office, be a member of every committee of the council."

25. In section 30 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman and councillor”, the word “Councillor” shall be substituted;

(2) in sub-section (1), for the expression “chairman or councillor”, the word “councillor” shall be substituted.

26. In section 40 of the 1920 Act, including the marginal heading, for the expression “vice-chairman”, wherever it occurs, the expression “chairman or vice-chairman” shall be substituted.

27. In section 40-A of the 1920 Act,—

(1) in the marginal heading, for the expression “vice-chairman”, the expression “chairman or vice-chairman” shall be substituted;

(2) in sub-section (1), for the expression “vice-chairman”, the expression “chairman or vice-chairman” shall be substituted;

(3) in sub-section (12), for the expression “vice-chairman”, the expression “chairman or vice-chairman, as the case may be” shall be substituted;

(4) in sub-section (13), for the expression “vice-chairman”, the expression “chairman or vice-chairman” shall be substituted;

(5) in sub-section (14), for the expression “vice-chairman”, the expression “chairman or vice-chairman, as the case may be” shall be substituted.

28. Section 40-B of the 1920 Act, shall be omitted.

29. After section 43-A of the 1920 Act, the following section shall be inserted, namely:—

“43-AA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the municipal council to be held immediately after the 14th day of July 2006, the territorial area of the wards of the municipal council, the total number of wards and the total number of councillors or members, as the case may be, to be returned from such wards shall be the same as they exist on the 14th day of July 2006.”.

30. In section 43-B of the 1920 Act, including the marginal heading, for the expression “Third Grade Municipalities”, the expression “Third Grade Municipalities and Town Panchayats” shall be substituted.

31. In section 43-C of the 1920 Act, in sub-section (2), for the words “councillor or chairman”, the word “councillor” shall be substituted.

32. In section 48 of the 1920 Act,—

(1) in sub-section (1), for the expression “chairman or as a councillor”, the word “councillor” shall be substituted;

(2) in sub-section (2), for the expression “chairman or as councillor”, the word “councillor” shall be substituted.
33. In section 49 of the 1920 Act,—

(1) in sub-section (1), for the expression “chairman or councillor”, the word “councillor” shall be substituted;

(2) in sub-section (2),—

(a) for the expression “as a chairman or election as a councillor”, the expression “as a councillor” shall be substituted;

(b) in clause (e), for the expression “chairman or a councillor”, occurring in two places, the expression “a councillor” shall be substituted.

34. In section 50 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman or counsellors”, the word “councillors” shall be substituted;

(2) in sub-section (1),—

(a) in the opening part,—

(i) for the expression “the chairman or a councillor”, the expression “a councillor” shall be substituted;

(ii) for the expression “section 3-C”, the expression “section 3-C or clauses (a) and (b) of sub-section (2) of section 3-C” shall be substituted;

(b) in clause (f), for the expression “of the chairman or any other councillor”, the expression “of any other councillor” shall be substituted;

(c) in clause (i),—

(i) for the expression “the chairman or councillor”, the word “councillor” shall be substituted;

(ii) in the proviso, the expression “chairman or” shall be omitted;

(3) in sub-section (4), the expression “the chairman or”, wherever it occurs, shall be omitted.

35. In section 51 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman or councillor”, the word “councillor” shall be substituted;

(2) in sub-section (1), for the expressions “the chairman or a councillor”, “the chairman or any councillor” and “such chairman or councillors”, the expressions “a councillor”, “any councillor” and “such councillor” shall, respectively, be substituted;

(3) in sub-section (3), for the expression “chairman or the councillor”, the word “councillor” shall be substituted.

36. In section 368 of the 1920 Act,—

(1) in sub-section (2), for the expression “chairman and councillors” the word “councillors” shall be substituted;

(2) in sub-section (3), after the expression “until a chairman has been elected”, occurring in two places, the expression “by the council” shall be inserted,

(3) in sub-section (5), for the expression “chairman and councillors” the word “councillors” shall be substituted;

(4) in sub-section (6), for the expression “office of chairman and councillors” the expression “office of councillors” shall be substituted.
37. (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2006 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu District Municipalities Act, 1920, as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu District Municipalities Act, 1920, as amended by this Act.

(By Order of the Governor.)

S. DHEENADHAYALAN,
Secretary to Government-in-charge, Law Department.
Tamil Nadu Acts and Ordinances

The following Act of the Legislative Assembly received the assent of the Governor on the 23rd January 2007 and is hereby published for general information:—

ACT No. 1 OF 2007

An Act further to amend the Chennai City Municipal Corporation Act, 1919.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2007.

(2) It shall come into force at once.

2. For section 30 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"30. Re-eligibility of Mayor and Deputy Mayor.— An outgoing Mayor or Deputy Mayor is eligible for re-election."

3. In section 53 of the principal Act, in sub-section (1), in clause (i) for the expression "three consecutive meetings of the council held after", the expression "the meetings of the Council for a period of three consecutive months beginning from" shall be substituted.

4. In Schedule II to the principal Act,—

(1) in rule 2, for the expression "every three months", the expression "every month" shall be substituted:

(2) in rule 4, for the expression "At an ordinary meeting held once in every three months", the expression "At an ordinary meeting held on one of the months of April, June, August, October, December and February" shall be substituted.

(By order of the Governor)

S. DHEENADHAYALAN.
Secretary to Government-in-charge,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th November 2007 and is hereby published for general information:—

ACT No. 37 OF 2007.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2007.

(2) It shall be deemed to have come into force on the 4th day of October 2007.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 44-AC of the Chennai City Municipal Corporation Act, 1919,—

(1) in sub-section (2), for the expression “not less than one half of the sanctioned strength”, the expression “not less than three-fifth of the sanctioned strength” shall be substituted;

(2) in sub-section (12), for the expression “not less than three-fifth of the sanctioned strength”, the expression “not less than four-fifth of the sanctioned strength” shall be substituted;

(3) in sub-section (13), for the expression “six months”, the expression “one year” shall be substituted;

(4) for sub-section (14), the following sub-section shall be substituted, namely:—

“(14) No notice of a motion under this section shall be received,—

(i) within one year of the assumption of office by; or

(ii) during the last year of the term of office of,

a Mayor or a Deputy Mayor.”.

3. Any motion expressing want of confidence in the Mayor or Deputy Mayor made under section 44-AC and pending before any officer, authority or the Government, as the case may be, as provided in section 44-AC, immediately before the commencement of this Act, shall abate.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 48-AB of the Madurai City Municipal Corporation Act, 1971,—

(1) in sub-section (2), for the expression “not less than one half of the sanctioned strength”, the expression “not less than three-fifth of the sanctioned strength” shall be substituted;

(2) in sub-section (“2), for the expression “not less than three-fifth of the sanctioned strength”, the expression “not less than four-fifth of the sanctioned strength” shall be substituted.
(3) in sub-section (13), for the expression “six months”, the expression “one year” shall be substituted;

(4) for sub-section (14), the following sub-section shall be substituted, namely:

“(14) No notice of a motion under this section shall be received,—

(i) within one year of the assumption of office by; or

(ii) during the last year of the term of office of,

a Mayor or a Deputy Mayor.”.

5. Any motion expressing want of confidence in the Mayor or Deputy Mayor made under section 48-AB and pending before any officer, authority or the Government, as the case may be, as provided in section 48-AB, immediately before the commencement of this Act, shall abate.

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.


(1) in sub-section (2), for the expression “not less than one half of the sanctioned strength”, the expression “not less than three-fifth of the sanctioned strength” shall be substituted;

(2) in sub-section (12), for the expression “not less than three-fifth of the sanctioned strength”, the expression “not less than four-fifth of the sanctioned strength” shall be substituted;

(3) in sub-section (13), for the expression “six months”, the expression “one year” shall be substituted;

(4) for sub-section (14), the following sub-section shall be substituted, namely:

“(14) No notice of a motion under this section shall be received,—

(i) within one year of the assumption of office by; or

(ii) during the last year of the term of office of,

a Mayor or a Deputy Mayor.”.

7. Any motion expressing want of confidence in the Mayor or Deputy Mayor made under section 50-C and pending before any officer, authority or the Government, as the case may be, as provided in section 50-C, immediately before the commencement of this Act, shall abate.

PART-V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

8. In section 40-A of the Tamil Nadu District Municipalities Act, 1920,—

(1) in sub-section (2), for the expression “not less than one half of the sanctioned strength”, the expression “not less than three-fifth of the sanctioned strength” shall be substituted;

(2) in sub-section (12), for the expression “not less than three-fifths of the sanctioned strength”, the expression “not less than four-fifth of the sanctioned strength” shall be substituted;

(3) in sub-section (13), for the expression “six months”, the expression “one year” shall be substituted;
(4) for sub-section (14), the following sub-section shall be substituted, namely:—

"(14) No notice of a motion under this section shall be received,—

(i) within one year of the assumption of office by; or

(ii) during the last year of the term of office of,

a chairman or a vice-chairman.".

9. Any motion expressing want of confidence in the chairman or vice chairman made under section 40-A and pending before any officer, authority or the Government, as the case may be, as provided in section 40-A, immediately before the commencement of this Act, shall abate.

10. (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2007 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu District Municipalities Act, 1920, as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu District Municipalities Act, 1920, as amended by this Act."

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government-in-charge,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 19th February 2008 and is hereby published for general information:—

**ACT No. 9 OF 2008.**

**An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.**

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth year of the Republic of India as follows:—

**PART-I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART-II.**

**AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT. 1919.**

2. In the Chennai City Municipal Corporation Act, 1919, sections 43-A and 358-A shall be omitted.

**PART-III.**

**AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT. 1971.**


**PART-IV.**

**AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT. 1981.**


**PART-V.**

**AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT. 1920.**

5. In the Tamil Nadu District Municipalities Act, 1920, sections 40-BB and 314-A shall be omitted.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government-in-charge,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th May 2008 and is hereby published for general information:—

**ACT No. 24 OF 2008.**

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows.—

**PART-I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART-II.**

**AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. In section 326-C of the Chennai City Municipal Corporation Act, 1919, (hereinafter in this Part referred to as the principal Act), in sub-section (5), for the expression "State Government account", the expression "Corporation account" shall be substituted.

3. In section 326-CC of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) The tax paid under sub-section (1) shall be credited to the Corporation account in such manner as may be prescribed.".

**PART-III.**

**AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

4. In section 285-C of the Tamil Nadu District Municipalities Act, 1920, (hereinafter in this Part referred to as the principal Act), in sub-section (5), for the expression "State Government account", the expression "Corporation account" shall be substituted.

5. In section 285-CC of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) The tax paid under sub-section (1) shall be credited to the account of the municipality, town panchayat or Third Grade municipality, as the case may be, within whose jurisdiction such tax has been collected, in such manner as may be prescribed.".

**PART-IV.**

**AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.**

6. In section 410-C of the Madurai City Municipal Corporation Act, 1971, (hereinafter in this Part referred to as the principal Act), in sub-section (5), for the expression "Government account", the expression "Corporation account" shall be substituted.

7. In section 410-CC of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) The tax paid under sub-section (1) shall be credited to the Corporation account in such manner as may be prescribed.".
PART-V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

8. In section 410-C of the Coimbatore City Municipal Corporation Act, 1981, (hereafter in this Part referred to as the principal Act), in sub-section (5), for the expression "Government account", the expression "Corporation account" shall be substituted.

Amendment of section 410-C.

9. In section 410-CC of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The tax paid under sub-section (1) shall be credited to the Corporation account in such manner as may be prescribed.".

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th May 2008 and is hereby published for general information:—

ACT No. 35 OF 2008.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

PART - I

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART - II

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. After section 58 of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:—

"58-A. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the corporation shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him, on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

PART - III

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. After section 65 of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:—

"65-A. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the corporation shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him, on that day.
(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

PART-IV

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. After section 67 of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:—

"67-A. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the corporation shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him, on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

PART- V

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. After section 43-B of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:—

"43-BB. Grant of paid holiday to employees on the day of poll.—(1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to any Municipality including Third Grade Municipality and Town Panchayat shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him, on that day.

(3) If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged."

(By order of the Governo.)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th May 2008 and is hereby published for general information:

**ACT No. 36 OF 2008.**

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:

**PART - I**

**PRELIMINARY**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART - II**

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In the Chennai City Municipal Corporation Act, 1919, in section 390-A, for the expression “three years”, the expression “twelve years” shall be substituted.

**PART - III**

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In the Madurai City Municipal Corporation Act, 1971, in section 483, for the expression “six years”, the expression “twelve years” shall be substituted.

**PART - IV**

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In the Coimbatore City Municipal Corporation Act, 1981, in section 482, for the expression “six years”, the expression “twelve years” shall be substituted.

**PART - V**

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In the Tamil Nadu District Municipalities Act, 1920, in section 345, for the expression “three years”, the expression “twelve years” shall be substituted.

(By order of the Governor)

S DHINENDHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th May 2008 and is hereby published for general information—

**ACT No. 37 OF 2008.**

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows—

**PART- I**

**PRELIMINARY**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fifth Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART- II**

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919

2. After section 404 of the Chennai City Municipal Corporation Act, 1919, the following shall be inserted, namely—

"Maintenance of Records.

404-A. Maintenance of records and disclosure of information by the corporation.— The corporation shall, maintain all its records duly catalogued and indexed, and publish such information, in such form, in such manner and at such intervals, as may be prescribed."

**PART- III**

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. After section 498 of the Madurai City Municipal Corporation Act, 1971, the following shall be inserted, namely—

"Maintenance of Records.

498-A. Maintenance of records and disclosure of information by the corporation.— The corporation shall, maintain all its records duly catalogued and indexed, and publish such information, in such form, in such manner and at such intervals, as may be prescribed."

**PART- IV**

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981

4. After section 497 of the Coimbatore City Municipal Corporation Act, 1981, the following shall be inserted, namely—

"Maintenance of Records.

497-A. Maintenance of records and disclosure of information by the corporation.— The corporation shall, maintain all its records duly catalogued and indexed, and publish such information, in such form, in such manner and at such intervals, as may be prescribed."
PART - V

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. After section 357 of the Tamil Nadu District Municipalities Act, 1920, the following shall be inserted, namely—

"Maintenance of Records.

357-A. Maintenance of records and disclosure of information by the Municipality including Third Grade Municipality and Town Panchayat—Every Municipality including Third Grade Municipality and Town Panchayat, shall, maintain all its records duly catalogued and indexed, and publish such information, in such form, in such manner and at such intervals, as may be prescribed."

(By order of the Governor.)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th May 2008 and is hereby published for general information:

**ACT No. 38 OF 2008.**

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:

PART—I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Sixth Amendment) Act, 2008.  

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART—II

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 4 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), in sub-section (3), for clause (a), the following clauses shall be substituted, namely:

"(a) a Mayor,

(aa) a council;".

3. For section 37 of the 1919 Act, the following sections shall be substituted, namely:

"37. Prerogative of the Mayor.—(1) The Mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) All important official correspondence between the corporation and the State Government as may be decided by the council shall be conducted through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the State Government or by the State Government to the commissioner. While transmitting communications from the commissioner to the State Government, the Mayor may make such remarks as he thinks necessary.

37-A. Entrustment of additional functions to Mayor.—The State Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act."
AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment of section 3.

4. In section 3 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), in sub-section (3), for clause (a), the following clauses shall be substituted, namely:

"(a) a Mayor;

(aa) a council;"

Substitution of section 38.

5. For section 38 of the 1971 Act, the following sections shall be substituted, namely:

"38. Prerogative of the Mayor.—(1) The Mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) All important official correspondence between the corporation and the Government as may be decided by the council shall be conducted through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the Mayor may make such remarks as he thinks necessary.

39-A. Entrustment of additional functions to Mayor.—The Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act.".

PART—IV

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of section 3.

6. In section 3 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), in sub-section (3), for clause (a), the following clauses shall be substituted, namely:

"(a) a Mayor;

(aa) a council;"

Substitution of section 39.

7. For section 39 of the 1981 Act, the following sections shall be substituted, namely:

"39. Prerogative of the Mayor.—(1) The Mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) All important official correspondence between the corporation and the Government as may be decided by the council shall be conducted through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the Mayor may make such remarks as he thinks necessary.

39-A. Entrustment of additional functions to Mayor.—The Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act.".
PART—V

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

8. In section 4 of the Tiruchirappalli City Municipal Corporation Act, 1994, for clause (1), the following clauses shall be substituted, namely:

"(1) a Mayor;
(1-a) a council;".

PART—VI

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

9. In section 4 of the Tirunelveli City Municipal Corporation Act, 1994, for clause (1), the following clauses shall be substituted, namely:

"(1) a Mayor;
(1-a) a council;".

PART—VII

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

10. In section 4 of the Salem City Municipal Corporation Act, 1994, for clause (1), the following clauses shall be substituted, namely:

"(1) a Mayor;
(1-a) a council;".

PART—VIII

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

11. In section 4 of the Tiruppur City Municipal Corporation Act, 2008, for clause (1), the following clauses shall be substituted, namely:

"(1) a Mayor;
(1-a) a council;".

PART—IX

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

12. In section 4 of the Erode City Municipal Corporation Act, 2008, for clause (1), the following clauses shall be substituted, namely:

"(1) a Mayor;
(1-a) a council;".
PART—X

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

Amendment of section 68

13. In section 68 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (1),—

(1) for 'The Table', the following Table shall be substituted, namely:-

"THE TABLE

<table>
<thead>
<tr>
<th>Grades</th>
<th>Maximum value or amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>1. (a) Special Grade Municipalities</td>
<td>Rs. 50,000/-</td>
</tr>
<tr>
<td>(b) Selection Grade Municipalities</td>
<td>Rs. 40,000/-</td>
</tr>
<tr>
<td>2. I Grade Municipalities</td>
<td>Rs. 30,000/-</td>
</tr>
<tr>
<td>3. II Grade Municipalities</td>
<td>Rs. 20,000/-</td>
</tr>
<tr>
<td>4. III Grade Municipalities and town panchayats</td>
<td>Rs. 10,000/-</td>
</tr>
</tbody>
</table>

(2) the Explanation shall be omitted.

(By order of the Governor.)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th November 2008 and is hereby published for general information:—

ACT No. 55 OF 2008.

An Act further to amend the laws relating to the Municipal Corporations in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

PART - I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Corporations Laws (Amendment) Act, 2008.

(2) It shall be deemed to have come into force on the 26th day of August 2008.

PART - II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. For sections 78 and 79 of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), the following sections shall be substituted, namely:—

78. Powers of municipal authorities to sanction estimates.— The powers of the different municipal authorities to sanction estimates shall be as follows:—

(a) when the amount of estimate does not exceed ten lakhs of rupees, the sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds ten lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds fifty lakhs of rupees but does not exceed sixty lakhs of rupees, the sanction of the Mayor shall be required;

(d) when the amount of estimate exceeds sixty lakhs of rupees but does not exceed seventy-five lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;

(e) when the amount of estimate exceeds seventy-five lakhs of rupees but does not exceed one crore of rupees, the sanction of the standing committee on taxation and finance shall be required;

(f) when the amount of estimate exceeds one crore of rupees but does not exceed ten crores of rupees, the sanction of the council shall be required;

(g) when the amount of estimate exceeds ten crores of rupees, the sanction of the State Government shall be required.

79. Works costing more than sixty lakhs of rupees.— (1) Where a project is framed for the execution of any work or series of works, the entire estimated cost of which exceeds sixty lakhs of rupees,—

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,—

(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds sixty lakhs of rupees but does not exceed seventy-five lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds seventy-five lakhs of rupees but does not exceed one crore of rupees;

(iii) before the council, if the entire estimated cost exceeds one crore of rupees;
(b) the concerned standing committee or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds ten crores of rupees, the same shall be submitted to the State Government.

(b) The State Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the State Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the State Government.

3. In section 80 of the 1919 Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely —

(a) no contract the estimated cost of which does not exceed ten lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner;

(c) no contract the estimated cost of which exceeds fifty lakhs of rupees but does not exceed sixty lakhs of rupees shall be made by the commissioner, unless it has been sanctioned by the Mayor;

(d) no contract the estimated cost of which exceeds sixty lakhs of rupees but does not exceed seventy-five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(e) no contract the estimated cost of which exceeds seventy-five lakhs of rupees but does not exceed one crore of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;

(f) no contract the estimated cost of which exceeds one crore of rupees but does not exceed ten crores of rupees shall be made by the commissioner unless it has been sanctioned by the council;

(g) no contract the estimated cost of which exceeds ten crores of rupees shall be made by the commissioner unless it has been sanctioned by the State Government;

(h) every contract the estimated cost of which exceeds forty thousand rupees made by the commissioner shall be reported to the concerned standing committee within fifteen days from the date on which it has been made."

PART-III

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. For sections 97 and 98 of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), the following sections shall be substituted, namely:—

"97. Powers of municipal authorities to sanction estimates.—The powers of the different municipal authorities to sanction estimates shall be as follows:—

(a) when the amount of estimate does not exceed five lakhs of rupees, the sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds five lakhs of rupees but does not exceed ten lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees, the sanction of the Mayor shall be required;
(d) when the amount of estimate exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;

(e) when the amount of estimate exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;

(f) when the amount of estimate exceeds fifty lakhs of rupees but does not exceed one crore of rupees, the sanction of the council shall be required;

(g) when the amount of estimate exceeds one crore of rupees, the sanction of the Government shall be required.

98. Works costing more than twenty lakhs of rupees.—(1) Where a project is framed for the execution of any work or series of works, the entire estimated cost of which exceeds twenty lakhs of rupees,—

(a) the commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,—

(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees;

(iii) before the council, if the entire estimated cost exceeds fifty lakhs of rupees;

(b) the concerned standing committee or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds one crore of rupees, the same shall be submitted to the Government.

(b) The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

5. In section 99 of the 1971 Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:—

(a) no contract the estimated cost of which does not exceed five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the commissioner;

(c) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the Mayor;

(d) no contract the estimated cost of which exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(e) no contract the estimated cost of which exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;"
(f) no contract the estimated cost of which exceeds fifty lakhs of rupees but does
not exceed one crore of rupees shall be made by the commissioner unless it has been
sanctioned by the council;

(g) no contract the estimated cost of which exceeds one crore of rupees shall be
made by the commissioner unless it has been sanctioned by the Government;

(h) every contract the estimated cost of which exceeds ten thousand rupees
made by the commissioner shall be reported to the concerned standing committee with
in fifteen days from the date on which it has been made.

PART- IV

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

6. For sections 99 and 100 of the Coimbatore City Municipal Corporation Act, 1981
(hereafter in this Part referred to as the 1981 Act), the following sections shall be substituted,
namely:—

"99. Powers of municipal authorities to sanction estimates.— The powers of the
different municipal authorities to sanction estimates shall be as follows:—

(a) when the amount of estimate does not exceed five lakhs of rupees, the
sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds five lakhs of rupees but does not
exceed ten lakhs of rupees, the sanction of the commissioner shall be required;

(c) when the amount of estimate exceeds ten lakhs of rupees but does not
exceed twenty lakhs of rupees, the sanction of the Mayor shall be required;

(d) when the amount of estimate exceeds twenty lakhs of rupees but does not
exceed thirty lakhs of rupees, the sanction of the concerned standing committee (other than
the standing committee on taxation and finance) shall be required;

(e) when the amount of estimate exceeds thirty lakhs of rupees but does not
exceed fifty lakhs of rupees, the sanction of the standing committee on taxation and finance
shall be required;

(f) when the amount of estimate exceeds fifty lakhs of rupees but does not
exceed one crore of rupees, the sanction of the council shall be required;

(g) when the amount of estimate exceeds one crore of rupees, the sanction of the
Government shall be required.

100. Works costing more than twenty lakhs of rupees.— (1) Where a project is
framed for the execution of any work or series of works, the entire estimated cost of which
exceeds twenty lakhs of rupees,—

(a) the commissioner shall cause a detailed report to be prepared including such
estimates and drawings as may be requisite and shall lay the same—

(i) before the concerned standing committee (other than the standing
committee on taxation and finance), if the entire estimated cost exceeds twenty lakhs of
rupees but does not exceed thirty lakhs of rupees;

(ii) before the standing committee on taxation and finance, if the entire
estimated cost exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees;

(iii) before the council, if the entire estimated cost exceeds fifty lakhs of
rupees;

(b) the concerned standing committee, or the standing committee on taxation
and finance or the council, as the case may be, shall consider the report and may approve
it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the council approves the project, subject to any modifications or
otherwise, the entire estimated cost of which exceeds one crore of rupees, the same shall
be submitted to the Government.
(b) The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government:

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.

7. In section 101 of the 1981 Act, for sub-section (2), the following sub-section shall be substituted, namely:

"(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:

(a) no contract the estimated cost of which does not exceed five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;

(b) any contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the commissioner;

(c) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees shall be made by the commissioner; unless it has been sanctioned by the Mayor;

(d) no contract the estimated cost of which exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance);

(e) no contract the estimated cost of which exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;

(f) no contract the estimated cost of which exceeds fifty lakhs of rupees but does not exceed one crore of rupees shall be made by the commissioner unless it has been sanctioned by the council;

(g) no contract the estimated cost of which exceeds one crore of rupees shall be made by the commissioner unless it has been sanctioned by the Government;

(h) every contract the estimated cost of which exceeds ten thousand rupees made by the commissioner shall be reported to the concerned standing committee within fifteen days from the date on which it has been made."

8. (1) The Tamil Nadu Municipal Corporations Laws (Amendment) Ordinance, 2008 is hereby repealed.

(2) Notwithstanding such repeal, anything done, or any action taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as amended by this Act.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th November 2008 and is hereby published for general information—

ACT No. 57 OF 2008.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

PART - I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Seventh Amendment) Act, 2008.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART - II

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 52 of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), after sub-section (1-A), the following sub-section shall be inserted, namely:—

"(1-B) A person disqualified for being a councillor under clause (eee) of sub-section (1) of section 53 shall be disqualified for election as a councillor for a period of six years from the date of such disqualification."

3. In section 53 of the 1919 Act, in sub-section (1), after clause (ee), the following clause shall be inserted, namely:—

"(eee) does not belong to Scheduled Caste or Scheduled Tribe, but has been elected from the seat reserved for Scheduled Caste or Scheduled Tribe, as the case may be."

PART - III

AMENDMENTS TO THE MADurai CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 56 of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), after sub-section (1-A), the following sub-section shall be inserted, namely:—

"(1-B) A person disqualified for being a councillor under clause (ee) of sub-section (1) of section 57 shall be disqualified for election as a councillor for a period of six years from the date of such disqualification."

5. In section 57 of the 1971 Act, in sub-section (1), after clause (e), the following clause shall be inserted, namely:—

"(ee) does not belong to Scheduled Caste or Scheduled Tribe, but has been elected from the seat reserved for Scheduled Caste or Scheduled Tribe, as the case may be."

PART - IV

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

6. In section 58 of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), after sub-section (2), the following sub-section shall be inserted, namely:—

"(2-A) A person disqualified for being a councillor under clause (ff) of sub-section (1) of section 59 shall be disqualified for election as a councillor for a period of six years from the date of such disqualification."
Amendment of section 59.

7. In section 59 of the 1981 Act, in sub-section (1), after clause (f), the following clause shall be inserted, namely.—

"(ff) does not belong to Scheduled Caste or Scheduled Tribe, but has been elected from the seat reserved for Scheduled Caste or Scheduled Tribe, as the case may be."

PART - V

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 49.

8. In section 49 of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act), after sub-section (1-A), the following sub-section shall be inserted, namely—

"(1-B) A person disqualified for being a councillor under clause (ddd) of sub-section (1) of section 50 shall be disqualified for election as a councillor for a period of six years from the date of such disqualification."

Amendment of section 50.

9. In section 50 of the 1920 Act, in sub-section (1), after clause (dd), the following clause shall be inserted, namely—

"(ddd) does not belong to Scheduled Caste or Scheduled Tribe, but has been elected from the seat reserved for Scheduled Caste or Scheduled Tribe, as the case may be."

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 3rd August 2009 and is hereby published for general information:—

ACT No. 10 OF 2009.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

PART- I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2009.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART- II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 138-B of the Chennai City Municipal Corporation Act, 1919,—

(1) in sub-section (2), for the expression “Every company which transacts business and every person”, the expression “Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person” shall be substituted;

(2) in sub-section (4),—

(i) for the expression “Where a company or person”, the expression “Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person” shall be substituted;

(ii) for the expression “such company or person”, the expression “such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person” shall be substituted;

(3) sub-section (6) shall be omitted.

PART- III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In section 169-B of the Madurai City Municipal Corporation Act, 1971,—

(1) in sub-section (2), for the expression “Every company which transacts business and every person”, the expression “Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person” shall be substituted;

(2) in sub-section (4),—

(i) for the expression “Where a company or person”, the expression “Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person” shall be substituted;

(ii) for the expression “such company or person”, the expression “such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person” shall be substituted;

(3) sub-section (6) shall be omitted.
PART- IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.


(1) in sub-section (2), for the expression “Every company which transacts business and every person”, the expression “Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person” shall be substituted;

(2) in sub-section (4),—

(i) for the expression “Where a company or person”, the expression “Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person” shall be substituted;

(ii) for the expression “such company or person”, the expression “such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person” shall be substituted;

(3) sub-section (6) shall be omitted.

PART- V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In section 124-D of the Tamil Nadu District Municipalities Act, 1920,—

(1) in sub-section (2), for the expression “Every company which transacts business and every person”, the expression “Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person” shall be substituted;

(2) in sub-section (4),—

(i) for the expression “Where a company or person”, the expression “Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person” shall be substituted;

(ii) for the expression “such company or person”, the expression “such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person” shall be substituted;

(3) sub-section (6) shall be omitted.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 26th November 2010 and is hereby published for general information:—

ACT No. 35 OF 2010.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-first Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2010.

(2) It shall be deemed to have come into force on the 29th day of October 2010.

PART – II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 3 of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act),—

(i) after clause (2), the following clause shall be inserted, namely:-

“(2–A) “area sabha” means, in relation to an area, the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area;”;

(ii) for clause (26-B), the following clauses shall be substituted, namely:-

“(26-B) “ward committee” means the ward committee referred to in section 5-C;

(26-BB) “wards committee” means the wards committee referred to in section 5-A;”.

3. After section 5-B of the 1919 Act, the following sections shall be inserted, namely:—

“5-C. Constitution of ward committee.—(1) There shall be constituted by the council, a ward committee for each ward within the municipal area.

(2) Each ward committee shall consist of the councillor of the Corporation representing the ward and as many number of nominated members as may be prescribed, from among the persons registered in the electoral rolls of the ward and nominated by the council.

(3) The number of, qualification for, the nominated members and the procedure of nomination shall be such as may be prescribed.

5-D. Term of office of chairperson of ward committee.—(1) The councillor representing the ward in the Corporation shall be the chairperson of that committee.

(2) The chairperson shall vacate the office as soon as he ceases to be a councillor.
5-E. Functions and duties of ward committee.—(1) The functions and duties of the ward committee, and the procedure to be adopted by such committee for transaction of its business shall be such as may be prescribed.

(2) The duration of the ward committee shall be co-extensive with the duration of the council.

5-F. Constitution of area sabha.—(1) There shall be constituted by the council, an area sabha for each area in a ward in the municipal area.

(2) Each ward shall consist of such number of area sabhas not exceeding ten, as may be prescribed.

(3) An area sabha shall comprise of the entire geographical territory in which all the persons registered in the electoral rolls pertaining to one or more polling booths in such territory are ordinarily resident.

(4) Each area sabha shall consist of the elected councillor of the ward and all the persons registered in the electoral rolls of the area.

5-G. Term of office of chairperson of area sabha.—(1) The councillor of the ward shall be chairperson and convener of the area sabha.

(2) The duration of the area sabha shall be co-extensive with the duration of the council.

5-H. Functions and duties of area sabha.—The functions and duties of the area sabha, and the procedure to be adopted for transaction of its business shall be such as may be prescribed.”.

PART – III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 2 of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act),—

(i) after clause (2), the following clause shall be inserted, namely:—

"(2–A) “area sabha” means, in relation to an area, the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area;";

(ii) for clause (42-A), the following clauses shall be substituted, namely:—

"(42-A) “ward committee” means the ward committee referred to in section 5-C;

(42-AA) “wards committee” means the wards committee referred to in section 5-A;.”.

5. After section 5-B of the 1971 Act, the following sections shall be inserted, namely:—

“5-C. Constitution of ward committee.—(1) There shall be constituted by the council, a ward committee for each ward within the municipal area.

(2) Each ward committee shall consist of the councillor of the Corporation representing the ward and as many number of nominated members as may be prescribed, from among the persons registered in the electoral rolls of the ward and nominated by the council.

(3) The number of, qualification for, the nominated members and the procedure of nomination shall be such as may be prescribed.”.
5-D. Term of office of chairperson of ward committee.—(1) The councillor representing the ward in the Corporation shall be the chairperson of that committee.

(2) The chairperson shall vacate the office as soon as he ceases to be a councillor.

5-E. Functions and duties of ward committee.—(1) The functions and duties of the ward committee, and the procedure to be adopted by such committee for transaction of its business shall be such as may be prescribed.

(2) The duration of the ward committee shall be co-extensive with the duration of the council.

5-F. Constitution of area sabha.—(1) There shall be constituted by the council, an area sabha for each area in a ward in the municipal area.

(2) Each ward shall consist of such number of area sabhas not exceeding ten, as may be prescribed.

(3) An area sabha shall comprise of the entire geographical territory in which all the persons registered in the electoral rolls pertaining to one or more polling booths in such territory are ordinarily resident.

(4) Each area sabha shall consist of the elected councillor of the ward and all the persons registered in the electoral rolls of the area.

5-G. Term of office of chairperson of area sabha.—(1) The councillor of the ward shall be chairperson and convener of the area sabha.

(2) The duration of the area sabha shall be co-extensive with the duration of the council.

5-H. Functions and duties of area sabha.—The functions and duties of the area sabha, and the procedure to be adopted for transaction of its business shall be such as may be prescribed.”.

PART – IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.


(i) after clause (2), the following clause shall be inserted, namely:—

“(2–A) “area sabha” means, in relation to an area, the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area;”;

(ii) for clause (42-A), the following clauses shall be substituted, namely:—

“(42-A) “ward committee” means the ward committee referred to in section 5-C;

(42-AA) “wards committee” means the wards committee referred to in section 5-A;”.

7. After section 5-B of the 1981 Act, the following sections shall be inserted, namely:—

“5-C. Constitution of ward committee.—(1) There shall be constituted by the council, a ward committee for each ward within the municipal area.
(2) Each ward committee shall consist of the councillor of the Corporation representing the ward and as many number of nominated members as may be prescribed, from among the persons registered in the electoral rolls of the ward and nominated by the council.

(3) The number of, qualification for, the nominated members and the procedure of nomination shall be such as may be prescribed.

5-D. Term of office of chairperson of ward committee.—(1) The councillor representing the ward in the Corporation shall be the chairperson of that committee.

(2) The chairperson shall vacate the office as soon as he ceases to be a councillor.

5-E. Functions and duties of ward committee.—(1) The functions and duties of the ward committee, and the procedure to be adopted by such committee for transaction of its business shall be such as may be prescribed.

(2) The duration of the ward committee shall be co-extensive with the duration of the council.

5-F. Constitution of area sabha.—(1) There shall be constituted by the council, an area sabha for each area in a ward in the municipal area.

(2) Each ward shall consist of such number of area sabhas not exceeding ten, as may be prescribed.

(3) An area sabha shall comprise of the entire geographical territory in which all the persons registered in the electoral rolls pertaining to one or more polling booths in such territory are ordinarily resident.

(4) Each area sabha shall consist of the elected councillor of the ward and all the persons registered in the electoral rolls of the area.

5-G. Term of office of chairperson of area sabha.—(1) The councillor of the ward shall be chairperson and convener of the area sabha.

(2) The duration of the area sabha shall be co-extensive with the duration of the council.

5-H. Functions and duties of area sabha.—The functions and duties of the area sabha, and the procedure to be adopted for transaction of its business shall be such as may be prescribed.”.

PART – V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

8. In section 3 of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act),—

(i) after clause (2), the following clause shall be inserted, namely:—

“(2–A) “area sabha” means, in relation to an area, the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area;”;

(ii) for clause (29-B), the following clauses shall be substituted, namely:—

“(29-B) “ward committee” means the ward committee referred to in section 24-C;

(29-BB) “wards committee” means the wards committee referred to in section 24-B;”.

Tamil Nadu Act V of 1920.
9. After section 24-B of the 1920 Act, the following sections shall be inserted, namely:—

"24-C. Constitution of ward committee.—(1) There shall be constituted by the Municipal Council, a ward committee for each ward within the territorial area of the municipality.

(2) Each ward committee shall consist of the councillor representing the ward in the municipality and as many number of nominated members as may be prescribed, from among the persons registered in the electoral rolls of the ward and nominated by the Municipal Council.

(3) The number of, qualification for, the nominated members and the procedure of nomination shall be such as may be prescribed.

24-D. Term of office of chairperson of ward committee.—(1) The councillor representing the ward in the municipality shall be the chairperson of that committee.

(2) The chairperson shall vacate the office as soon as he ceases to be a councillor.

24-E. Functions and duties of ward committee.—(1) The functions and duties of the ward committee, and the procedure to be adopted by such committee for transaction of its business shall be such as may be prescribed.

(2) The duration of the ward committee shall be co-extensive with the duration of the Municipal Council.

24-F. Constitution of area sabha.—(1) There shall be constituted by the Municipal Council, an area sabha for each area in a ward in the municipality.

(2) Each ward shall consist of such number of area sabhas, not exceeding five, as may be prescribed.

(3) An area sabha shall comprise of the entire geographical territory in which all the persons registered in the electoral rolls pertaining to one or more polling booths in such territory are ordinarily resident.

(4) Each area sabha shall consist of the elected councillor of the ward and all the persons registered in the electoral rolls of the area.

24-G. Term of office of chairperson of area sabha.—(1) The councillor of the ward shall be chairperson and convener of the area sabha.

(2) The duration of the area sabha shall be co-extensive with the duration of the Municipal Council.

24-H. Functions and duties of area sabha.—The functions and duties of the area sabha, and the procedure to be adopted for transaction of its business shall be such as may be prescribed."
10. (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2010 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu District Municipalities Act, 1920, as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu District Municipalities Act, 1920, as amended by this Act.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th February 2011 and is hereby published for general information:—

ACT No. 1 OF 2011.

An Act further to amend the Chennai City Municipal Corporation Act, 1919.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 21st day of December 2010.

2. In section 5 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), in sub-section (1), for the expression “one hundred and fifty-five”, the expression “two hundred” shall be substituted.

3. In section 45 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Two hundred divisions.”;

(ii) in sub-section (1), for the expression “one hundred and fifty-five” occurring in two places, the expression “two hundred” shall be substituted.

4. After section 46-AA of the principal Act, the following section shall be inserted, namely:—

“46-AAA. Special Provisions.— Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, until the ordinary election to be held in the year 2011, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors shall be the same as they exist before the commencement of the Chennai City Municipal Corporation (Amendment) Act, 2011.”.

5. In section 48 of the principal Act,—

(i) in sub-section (1), for the expression “one hundred and fifty-five”, the expression “two hundred” shall be substituted;

(ii) in sub-section (2), for the expression “one hundred and fifty-five”, the expression “two hundred” shall be substituted.

6. (1) The Chennai City Municipal Corporation (Amendment) Ordinance, 2010 is hereby repealed.

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

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th February 2011 and is hereby published for general information:—

ACT No. 2 OF 2011.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-first Year of the Republic of India as follows:—

PART - I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2011.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART - II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. For section 326-A of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), the following section shall be substituted, namely:—

“326-A. Definitions.—In this Chapter,—

(a) “hoarding” means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) “digital banner” means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

(c) “placard” means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology.”.

3. After section 326-B of the 1919 Act, the following section shall be inserted, namely:—

“326-BB. Regulation of erection of digital banners and placards.—(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section (1), shall be made, in writing, to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.
(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

4. For section 326-E of the 1919 Act, the following section shall be substituted, namely:—

“326-E. Removal of unauthorized hoarding, digital banner or placard.— Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.

5. In section 326-G of the 1919 Act, for the expression “hoarding” in four places where it occurs, the expression “hoarding or digital banner or placard” shall be substituted.

6. In section 326-H of the 1919 Act, in sub-section (1), after the expression “suspending a licence”, the expression “or refusing to give permission” shall be inserted.

7. To section 326-I of the 1919 Act, the following proviso shall be added, namely:—

"Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.”.

8. In section 326-J of the 1919 Act,—

(1) in the marginal heading, for the expression, “hoardings”, the expression “hoardings, digital banners or placards” shall be substituted;

(2) section 326-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

"(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 326-BB.”.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

9. For section 410-A of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), the following section shall be substituted, namely:—

“410-A. Definitions.—In this Chapter,—

(a) “hoarding” means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) “digital banner” means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;
(c) “placard” means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology.

10. After section 410-B of the 1971 Act, the following section shall be inserted, namely:—

“410-BB. Regulation of erection of digital banners and placards.—(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section (1) shall be made, in writing to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

11. For section 410-E of the 1971 Act, the following section shall be substituted, namely:—

“410-E. Removal of unauthorized hoarding, digital banner or placard.—Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.

12. In section 410-G of the 1971 Act, for the expression “hoarding” in four places where it occurs, the expression “hoarding or digital banner or placard” shall be substituted.

13. In section 410-H of the 1971 Act, in sub-section (1), after the expression “suspending a licence”, the expression “or refusing to give permission” shall be inserted.

14. To section 410-I of the 1971 Act, the following proviso shall be added, namely:—

“Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.”.

15. In section 410-J of the 1971 Act,—

(1) in the marginal heading, for the expression, “hoardings”, the expression “hoardings, digital banners or placards” shall be substituted;

(2) section 410-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

“(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 410-BB.”.
PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

16. For section 410-A of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), the following section shall be substituted, namely:—

"410-A. Definitions.—In this Chapter,—

(a) “hoarding” means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the framework or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) “digital banner” means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

(c) “placard” means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology.”.

17. After section 410-B of the 1981 Act, the following section shall be inserted, namely:—

"410-BB. Regulation of erection of digital banners and placards.—(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section (1) shall be made, in writing to the District Collector fifteen days prior to the date of erection of digital banner or placard, in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

18. For section 410-E of the 1981 Act, the following section shall be substituted, namely:—

"410-E. Removal of unauthorized hoarding, digital banner or placard.— Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.
19. In section 410-G of the 1981 Act, for the expression "hoarding" in four places where it occurs, the expression "hoarding or digital banner or placard" shall be substituted.

20. In section 410-H of the 1981 Act, in sub-section (1), after the expression "suspending a licence", the expression "or refusing to give permission" shall be inserted.

21. To section 410-I of the 1981 Act, the following proviso shall be added, namely:—

"Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both."

22. In section 410-J of the 1981 Act,—

(1) in the marginal heading, for the expression, "hoardings", the expression "hoardings, digital banners or placards" shall be substituted;

(2) section 410-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

"(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 410-BB."

PART-V.
AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

23. For section 285-A of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act), the following section shall be substituted, namely:—

"285-A. Definitions.—In this Chapter,—

(a) "hoarding" means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) "digital banner" means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

(c) "placard" means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology."

24. After section 285-B of the 1920 Act, the following section shall be inserted, namely:—

"285-BB. Regulation of erection of digital banners and placards.—

(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector."
(2) Every application for permission under sub-section (1), shall be made, in writing, to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

25. For section 285-E of the 1920 Act, the following section shall be substituted, namely:—

“285-E. Removal of unauthorized hoarding, digital banner or placard.—Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.

26. In section 285-G of the 1920 Act, for the expression “hoarding” in four places where it occurs, the expression “hoarding or digital banner or placard” shall be substituted.

27. In section 285-H of the 1920 Act, in sub-section (1), after the expression “suspending a licence”, the expression “or refusing to give permission” shall be inserted.

28. To section 285-I of the 1920 Act, the following proviso shall be added, namely:—

“Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.”.

29. In section 285-J of the 1920 Act,—

(1) in the marginal heading, for the expression, “hoardings”, the expression “hoardings, digital banners or placards” shall be substituted;

(2) section 285-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

“(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 285-BB.”.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 6th September 2011 and is hereby published for general information:—

ACT No. 15 OF 2011.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-Second Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2011.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. For sections 28 and 29 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), the following sections shall be substituted, namely:—

“28. Election of Mayor.—(1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the divisions from among themselves in accordance with such procedure as may be prescribed;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as a Mayor.

(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the divisions are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Tamil Nadu State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.
(6) The Mayor shall be an *ex-officio* member of the council and shall have all the rights and privileges of an elected councillor of the council.

29. **Election of Deputy Mayor**.—(1) The Deputy Mayor shall be elected by the councillors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor, provided that in the meantime he does not cease to be a councillor.

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.".

3. In section 44-AB of the 1919 Act,—

(1) in the marginal heading, the words “Mayor or” shall be omitted;

(2) in sub-section (1), the words “a Mayor or” shall be omitted;

(3) in sub-section (2), the words “Mayor or” shall be omitted;

(4) in sub-section (3), the words “Mayor or” shall be omitted.

4. In section 44-AC of the 1919 Act,—

(1) in the marginal heading, the words “Mayor or” shall be omitted;

(2) in sub-section (1), the words “Mayor or” shall be omitted;

(3) in sub-section (12), for the expression “Mayor or the Deputy Mayor, as the case may be”, the words “Deputy Mayor” shall be substituted;

(4) in sub-section (13), the words “Mayor or the” shall be omitted;

(5) in sub-section (14), the words “a Mayor or” shall be omitted.

5. After section 44-AC of the 1919 Act, the following section shall be inserted, namely:—

“44-AD. **Removal of Mayor**.—(1) The councillors constituting three-fifth of the sanctioned strength of the council may, by written notice, presented by any two of them, to the Commissioner, with a copy to the Mayor, express their intention to make a motion against the Mayor that the Mayor wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him. The Commissioner shall, on receipt of such notice, convene a special meeting for the consideration of the motion and record the views of the council, at the office of the municipal corporation at a date appointed by the Commissioner. The motion shall be deemed to have been passed by the council if four-fifth of sanctioned strength of the council present and voting, is in favour of it; and if it is not passed by four-fifth of the sanctioned strength of the council present and voting, it shall be treated as dropped.
(2) A copy of the notice of the meeting shall be caused to be delivered to the Mayor and to all the councillors by the Commissioner at least fifteen days before the date of the meeting.

(3) The Commissioner shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour, appointed for the meeting, the Commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed and notified to the Mayor and councillors by the Commissioner under sub-section (4).

(4) If the Commissioner is unable to preside at the meeting, he may after recording his reasons in writing, adjourn the meeting to such other date as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (1). Notice of not less than fifteen days shall be given to the Mayor and the councillors, of the date appointed for the adjourned meeting.

(5) Save as provided in sub-sections (3) and (4), a meeting convened for the purpose of considering the notice for the removal of the Mayor under this section shall not for any reason, be adjourned.

(6) As soon as the meeting convened under this section is commenced, the Commissioner shall read to the council the notice for the consideration of which it has been convened.

(7) The Commissioner shall not speak on the merits of the notice, nor shall he be entitled to vote at the meeting.

(8) The views of the council shall be duly recorded in the minutes of the meeting and copy of the minutes shall, forthwith on the termination of the meeting, be forwarded by the Commissioner to the State Government.

(9) The State Government shall, after considering the views of the council in this regard, by notice in writing require the Mayor to offer, within a specified date, his explanation with respect to his acts of commission or omission mentioned in the notice. If the explanation is received within the specified date and the State Government consider that the explanation is satisfactory, they may drop further action with respect to the notice. If no explanation is received within the specified date, or if the explanation received within such date is not satisfactory, the State Government may pass orders removing the Mayor. The orders of the State Government removing the Mayor from office shall be final. The orders of the State Government removing the Mayor from office shall be published in the Tamil Nadu Government Gazette.

(10) Any person in respect of whom orders have been published under sub-section (9) removing him from the office of Mayor shall be ineligible for election as a Mayor until the date on which notice of the next ordinary elections to the municipal corporation is published in the manner prescribed, or the expiry of one year from the date specified in the order published under sub-section (9)."

6. In section 59 of the 1919 Act, in sub-section (2), in clause (c), for the word "councillor", the words "councillor or Mayor" shall be substituted.
7. For sections 29 and 30 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), the following sections shall be substituted, namely:—

"29. Election of Mayor.—(1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the wards from among themselves in accordance with such procedure as may be prescribed;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as a Mayor.

(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the wards are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Tamil Nadu State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

30. Election of Deputy Mayor.—(1) The Deputy Mayor shall be elected by the councillors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor, provided that in the meantime he does not cease to be a councillor.

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.".
8. In section 48-AA of the 1971 Act,—
   (1) in the marginal heading, the words “Mayor or” shall be omitted;
   (2) in sub-section (1), the words “a Mayor or” shall be omitted;
   (3) in sub-section (2), the words “Mayor or” shall be omitted;
   (4) in sub-section (3), the words “Mayor or” shall be omitted.

9. In section 48-AB of the 1971 Act,—
   (1) in the marginal heading, the words “Mayor or” shall be omitted;
   (2) in sub-section (1), the words “Mayor or” shall be omitted;
   (3) in sub-section (12), for the expression “Mayor or the Deputy Mayor, as the case may be”, the words “Deputy Mayor” shall be substituted;
   (4) in sub-section (13), the words “Mayor or the” shall be omitted;
   (5) in sub-section (14), the words “a Mayor or” shall be omitted.

10. After section 48-AB of the 1971 Act, the following section shall be inserted, namely:

   “48-AC. Removal of Mayor.—(1) The councillors constituting three-fifth of the sanctioned strength of the council may, by written notice, presented by any two of them, to the Commissioner, with a copy to the Mayor, express their intention to make a motion against the Mayor that the Mayor wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him. The Commissioner shall, on receipt of such notice, convene a special meeting for the consideration of the motion and record the views of the council, at the office of the municipal corporation at a date appointed by the Commissioner. The motion shall be deemed to have been passed by the council if four-fifth of sanctioned strength of the council present and voting, is in favour of it; and if it is not passed by four-fifth of the sanctioned strength of the council present and voting, it shall be treated as dropped.

   (2) A copy of the notice of the meeting shall be caused to be delivered to the Mayor and to all the councillors by the Commissioner at least fifteen days before the date of the meeting.

   (3) The Commissioner shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour, appointed for the meeting, the Commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed and notified to the Mayor and councillors by the Commissioner under sub-section (4).

   (4) If the Commissioner is unable to preside at the meeting, he may after recording his reasons in writing, adjourn the meeting to such other date, as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (1). Notice of not less than fifteen days shall be given to the Mayor and the councillors, of the date appointed for the adjourned meeting.

   (5) Save as provided in sub-sections (3) and (4), a meeting convened for the purpose of considering the notice for the removal of the Mayor under this section shall not for any reason, be adjourned.
(6) As soon as the meeting convened under this section is commenced, the Commissioner shall read to the council the notice for the consideration of which it has been convened.

(7) The Commissioner shall not speak on the merits of the notice, nor shall he be entitled to vote at the meeting.

(8) The views of the council shall be duly recorded in the minutes of the meeting and copy of the minutes shall, forthwith on the termination of the meeting, be forwarded by the Commissioner to the State Government.

(9) The State Government shall, after considering the views of the council in this regard, by notice in writing require the Mayor to offer, within a specified date, his explanation with respect to his acts of commission or omission mentioned in the notice. If the explanation is received within the specified date and the State Government consider that the explanation is satisfactory, they may drop further action with respect to the notice. If no explanation is received within the specified date, or if the explanation received within such date is not satisfactory, the State Government may pass orders removing the Mayor. The orders of the State Government removing the Mayor from office shall be final. The orders of the State Government removing the Mayor from office shall be published in the Tamil Nadu Government Gazette.

(10) Any person in respect of whom orders have been published under sub-section (9) removing him from the office of Mayor shall be ineligible for election as a Mayor until the date on which notice of the next ordinary elections to the municipal corporation is published in the manner prescribed, or the expiry of one year from the date specified in the order published under sub-section (9)."

11. In section 66 of the 1971 Act, in sub-section (2), in clause (b), for the word “councillor”, the words “councillor or Mayor” shall be substituted.

PART - IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

12. For sections 29 and 30 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), the following sections shall be substituted, namely:—

"29. Election of Mayor.— (1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the divisions from among themselves in accordance with such procedure as may be prescribed;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as a Mayor.

(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the divisions are held.
(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Tamil Nadu State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

30. Election of Deputy Mayor. — (1) The Deputy Mayor shall be elected by the councillors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor, provided that in the meantime he does not cease to be a councillor.

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

13. In section 50-B of the 1981 Act,—
   (1) in the marginal heading, the words “Mayor or” shall be omitted;
   (2) in sub-section (1), the words “a Mayor or” shall be omitted;
   (3) in sub-section (2), the words “Mayor or” shall be omitted;
   (4) in sub-section (3), the words “Mayor or” shall be omitted.

   (1) in the marginal heading, the words “Mayor or” shall be omitted;
   (2) in sub-section (1), the words “Mayor or” shall be omitted;
   (3) in sub-section (12), for the expression “Mayor or the Deputy Mayor, as the case may be”, the words “Deputy Mayor” shall be substituted;
   (4) in sub-section (13), the words “Mayor or the” shall be omitted;
   (5) in sub-section (14), the words “a Mayor or” shall be omitted.

15. After section 50-C of the 1981 Act, the following section shall be inserted, namely:—

“50-D. Removal of Mayor.— (1) The councillors constituting three-fifth of the sanctioned strength of the council may, by written notice, presented by any two of them, to the Commissioner, with a copy to the Mayor, express
their intention to make a motion against the Mayor that the Mayor wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him. The Commissioner shall, on receipt of such notice, convene a special meeting for the consideration of the motion and record the views of the council, at the office of the municipal corporation at a date appointed by the Commissioner. The motion shall be deemed to have been passed by the council if four-fifth of sanctioned strength of the council present and voting, is in favour of it; and if it is not passed by four-fifth of the sanctioned strength of the council present and voting, it shall be treated as dropped.

(2) A copy of the notice of the meeting shall be caused to be delivered to the Mayor and to all the councillors by the Commissioner at least fifteen days before the date of the meeting.

(3) The Commissioner shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour, appointed for the meeting, the Commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed and notified to the Mayor and councillors by the Commissioner under sub-section (4).

(4) If the Commissioner is unable to preside at the meeting, he may after recording his reasons in writing, adjourn the meeting to such other date as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (1). Notice of not less than fifteen days shall be given to the Mayor and the councillors, of the date appointed for the adjourned meeting.

(5) Save as provided in sub-sections (3) and (4), a meeting convened for the purpose of considering the notice for the removal of the Mayor under this section shall not for any reason, be adjourned.

(6) As soon as the meeting convened under this section is commenced, the Commissioner shall read to the council the notice for the consideration of which it has been convened.

(7) The Commissioner shall not speak on the merits of the notice, nor shall he be entitled to vote at the meeting.

(8) The views of the council shall be duly recorded in the minutes of the meeting and a copy of the minutes shall, forthwith on the termination of the meeting be forwarded by the Commissioner to the State Government.

(9) The State Government shall, after considering the views of the council in this regard, by notice in writing require the Mayor to offer, within a specified date, his explanation with respect to his acts of commission or omission mentioned in the notice. If the explanation is received within the specified date and the State Government consider that the explanation is satisfactory, they may drop further action with respect to the notice. If no explanation is received within the specified date, or if the explanation received within such date is not satisfactory, the State Government may pass orders removing the Mayor. The orders of the State Government removing the Mayor from office shall be final. The orders of the State Government removing the Mayor from office shall be published in the Tamil Nadu Government Gazette.

(10) Any person in respect of whom orders have been published under sub-section (9) removing him from the office of Mayor shall be ineligible for election as Mayor until the date on which notice of the next ordinary elections
to the municipal corporation is published in the manner prescribed, or the expiry of one year from the date specified in the order published under sub-section (9).

16. In section 68 of the 1981 Act, in sub-section (2), in clause (b), for the word “councillor”, the words “councillor or Mayor” shall be substituted.

PART V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

17. In the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), in section 3-F, in sub-section (1), after the expression “members of a Third Grade Municipality”, the expression “(exclusive of its chairman)” shall be inserted.

18. In section 3-T of the 1920 Act, in sub-section (1), after the expression, “members of a town panchayat”, the expression “(exclusive of its chairman)” shall be inserted.

19. In section 7 of the 1920 Act, in sub-section (1), after the expression “such number of councillors”, the expression “(exclusive of its chairman)” shall be inserted.

20. After section 7 of the 1920 Act, the following section shall be inserted, namely:—

“7-A. Election of chairman.— The chairman shall be elected by the persons whose names appear in the electoral rolls relating to the municipality from among themselves in accordance with such procedure as may be prescribed:

Provided that a person who stands for election as chairman shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as chairman:

Provided also that no councillor shall be eligible to stand for election as chairman.”.

21. In section 8 of the 1920 Act,—

(1) in the marginal heading, for the word “councillors”, the words “chairman or councillors” shall be substituted;

(2) in sub-section (1), for the word “councillors”, the words “chairman and councillors” shall be substituted;

(3) in sub-section (2), for the word “councillors”, the words “chairman and councillors” shall be substituted;

(4) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2-A) The election of the chairman may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the municipalities.”;

(5) in sub-section (3), for the words “A councillor elected”, the words “The chairman or a councillor elected” shall be substituted;
(6) in sub-section (4), for the expression “A causal vacancy in the office of a councillor”, the expression “A causal vacancy in the office of the chairman or a councillor” shall be substituted;

(7) in sub-section (5), for the words “A councillor” and “the councillor”, the words “The chairman or a councillor” and “the chairman or the councillor” shall, respectively, be substituted.

22. In section 9 of the 1920 Act,—

(1) in the marginal heading, for the word “councillor”, the words “chairman or councillor” shall be substituted;

(2) in sub-section (1), for the word “councillor”, the words “chairman or councillor” shall be substituted;

(3) in sub-section (3), for the expression “a councillor elected under this section”, the expression “a chairman or a councillor elected under sub-section (1)” shall be substituted.

23. In section 12 of the 1920 Act,—

(1) sub-section (2) shall be omitted;

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

“(4) A chairman shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the chairman.”.

24. In section 12-A of the 1920 Act, including the marginal heading, the words “chairman or”, occurring in two places, shall be omitted.

25. For section 14 of the 1920 Act, the following section shall be substituted, namely:—

“14. The chairman to be member of council and of every committee of the council.— The chairman shall by virtue of his office be a member of council and of every committee of the council.”.

26. In section 30 of the 1920 Act,—

(1) in the marginal heading, for the word “councillor”, the words “Chairman and councillor” shall be substituted;

(2) in sub-section (1), for the word “councillor”, the words “chairman or councillor” shall be substituted.

27. In section 40 of the 1920 Act, including the marginal heading, for the expression “chairman or vice-chairman”, wherever it occurs, the word “vice-chairman” shall be substituted.

28. In section 40-A of the 1920 Act,—

(1) in the marginal heading, for the words “chairman or vice-chairman”, the word “vice-chairman” shall be substituted;

(2) in sub-section (1), for the words “chairman or vice-chairman”, the word “vice-chairman” shall be substituted;

(3) in sub-section (12), for the expression “chairman or vice-chairman, as the case may be”, the word “vice-chairman” shall be substituted;
29. After section 40-A of the 1920 Act, the following section shall be inserted, namely:—

"40-B. Removal of chairman.— (1) The councillors constituting three-fifth of the sanctioned strength of the council may, by written notice, presented by any two of them, to the Regional Director of Municipal Administration, (hereinafter in this section referred to as Regional Director) with a copy to the chairman, express their intention to make a motion against the chairman that the chairman willfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him. The Regional Director shall on receipt of such notice, convene a special meeting for the consideration of the motion and record the views of the council, at the office of the municipality at a date appointed by the Regional Director. The motion shall be deemed to have been passed by the council if four-fifth of sanctioned strength of the council present and voting, is in favour of it; and if it is not passed by four-fifth of the sanctioned strength of the council present and voting, it shall be treated as dropped.

(2) A copy of the notice of the meeting shall be caused to be delivered to the chairman and to all the councillors by the Regional Director at least fifteen days before the date of the meeting.

(3) The Regional Director shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour, appointed for the meeting, the Regional Director is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed and notified to the chairman and councillors by the Regional Director under sub-section (4).

(4) If the Regional Director is unable to preside at the meeting, he may after recording his reasons in writing, adjourn the meeting to such other date as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (1). Notice of not less than fifteen days shall be given to the chairman and the councillors, of the date appointed for the adjourned meeting.

(5) Save as provided in sub-sections (3) and (4), a meeting convened for the purpose of considering the notice for the removal of the chairman under this section shall not for any reason, be adjourned.

(6) As soon as the meeting convened under this section is commenced, the Regional Director shall read to the council the notice for the consideration of which it has been convened.

(7) The Regional Director shall not speak on the merits of the notice, nor shall he be entitled to vote at the meeting.

(8) The views of the council shall be duly recorded in the minutes of the meeting and copy of the minutes shall, forthwith on the termination of the meeting, be forwarded by the Regional Director to the State Government through the Commissioner of Municipal Administration.

(9) The State Government shall, after considering the views of the council in this regard, by notice in writing require the chairman to offer, within a specified date, his explanation with respect to his acts of commission or
omission mentioned in the notice. If the explanation is received within the specified date and the State Government consider that the explanation is satisfactory, they may drop further action with respect to the notice. If no explanation is received within the specified date, or if the explanation received within such date is not satisfactory, the State Government may pass orders removing the chairman. The orders of the State Government removing the chairman from office shall be final. The orders of the State Government removing the chairman from office shall be published in the Tamil Nadu Government Gazette.

(10) Any person in respect of whom orders have been published under sub-section (9) removing him from the office of chairman shall be ineligible for election as chairman until the date on which notice of the next ordinary elections to the municipal council is published in the manner prescribed, or the expiry of one year from the date specified in the order published under sub-section (9).

30. In section 43-C of the 1920 Act, in sub-section (2),—

(1) for the word "councillors", the words "chairman or councillors" shall be substituted;

(2) for the word "councillor", the words "chairman or councillor" shall be substituted.

31. In section 48 of the 1920 Act,—

(1) in sub-section (1), for the word "councillor", the expression "chairman or as a councillor" shall be substituted;

(2) in sub-section (2), for the word "councillor", the words "chairman or as a councillor" shall be substituted.

32. In section 49 of the 1920 Act,—

(1) in sub-section (1), for the word "councillor", the words "chairman or councillor" shall be substituted;

(2) in sub-section (2),—

(a) in the opening part, for the expression "as a councillor", the expression "as a chairman or election as a councillor" shall be substituted;

(b) in clause (e), for the words "a councillor", occurring in two places, the words "the chairman or a councillor" shall be substituted.

33. In section 50 of the 1920 Act,—

(1) in the marginal heading, for the word "councillors", the words "chairman or councillors" shall be substituted;

(2) in sub-section (1),—

(a) in the opening part, for the words "a councillor", the words "the chairman or a councillor" shall be substituted;

(b) in clause (f), for the expression "of any other councillor", the expression "of the chairman or any other councillor" shall be substituted;

(c) in clause (i),—

(i) for the word "councillor", the words "the chairman or councillor" shall be substituted;
Amendment of section 51.

(34) In section 51 of the 1920 Act,—

(1) in the marginal heading, for the word “councillor”, the words “chairman or councillor” shall be substituted;

(2) in sub-section (1), for the words “a councillor”, “any councillor” and “such councillor”, the words “the chairman or a councillor”, “the chairman or any councillor” and “such chairman or councillor” shall, respectively, be substituted;

(3) in sub-section (3), for the word “councillor”, the words “chairman or the councillor” shall be substituted.

Amendment of section 368.

(35) In section 368 of the 1920 Act,—

(1) in sub-section (2), for the word “councillors”, the words “chairman and councillors” shall be substituted;

(2) in sub-section (5), for the word “councillors”, the words “chairman and councillors” shall be substituted;

(3) in sub-section (6), for the word “councillors”, the words “chairman or councillors” shall be substituted.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 23rd February 2012 and is hereby published for general information:——

**ACT No 7 OF 2012.**

**An Act further to amend the laws relating to the Municipal corporations and the municipalities in the State of Tamil Nadu.**

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:——

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2012.

   (2) It shall be deemed to have come into force on the 25th day of October 2011.

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. After section 414 of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:——

   “414-A. Transitional provision on the extension of the area of the city.—(1) When the area of the city is extended, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council, panchayat union council or village panchayat concerned, of the extended area as well as all liabilities legally subsisting against such municipal council, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which such extension of the city is declared, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

   (2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, except such arrears or payments in respect of water supply and sewerage services, due to such municipal council, panchayat union council or village panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the corporation and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

   (3) All taxes, fees and duties, except in respect of water supply and sewerage services, which immediately before the date of such Notification, were being levied by such municipal council, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

   (4) All proceedings except in respect of water supply and sewerage services, taken by, or against such municipal council, panchayat union council or village panchayat or authority or any person under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the corporation, authority or person as if such proceedings had been commenced under the provisions of this Act.

   (5) Any action except in respect of water supply and sewerage services, taken under the Tamil Nadu Act V of 1920 or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.
(6) Notwithstanding anything contained in this Act, every officer or employee except in connection with water supply and sewerage services, who, immediately before the date of such Notification, was in the service of such municipality, town panchayat or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the corporation:

Provided that—

(a) the terms and conditions applicable to such officer or employee consequent on his absorption in the service of the corporation shall not be less favourable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by such officer or employee under such municipality, town panchayat or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such municipality, town panchayat or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in section 73-A of the Tamil Nadu Act V of 1920 or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such municipality, town panchayat or village panchayat, as the case may be, and on such retrenchment, he shall be eligible for such benefits as may be prescribed.”.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In section 3 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), sub-section (8) shall be omitted.

4. After section 510-A of the 1971 Act, the following section shall be inserted, namely:—

“510-AA. Transitional provision on the extension of the area of the city.—(1) When the area of the city is extended by including any local area, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council, panchayat union council or village panchayat concerned, of the such local area as well as all liabilities legally subsisting against such municipal council, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which inclusion of such local area in the city is made, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, due to such municipal council, panchayat union council or village panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the corporation and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of such Notification, were being levied by such municipal council, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against such municipal council, panchayat union council or village panchayat or authority or any person under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the corporation, authority or person as if such proceedings had been commenced under the provisions of this Act.
(5) Any action taken under the Tamil Nadu Act V of 1920 or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee, who, immediately before the date of such Notification, was in the service of such municipality, town panchayat or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the corporation:

Provided that—

(a) the terms and conditions applicable to such officer or employee consequent on his absorption in the service of the corporation shall not be less favourable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by such officer or employee under such municipality, town panchayat or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such municipality, town panchayat or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in section 73-A of the Tamil Nadu Act V of 1920 or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such municipality, town panchayat or village panchayat, as the case may be, and on such retrenchment, he shall be eligible for such benefits as may be prescribed.”.

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 3 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), sub-section (8) shall be omitted.

6. After section 511-A of the 1981 Act, the following section shall be inserted, namely:—

“511-AA. Transitional provision on the extension of the area of the city.—(1) When the area of the city is extended, by including any local area, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council, panchayat union council or village panchayat concerned, of the such local area as well as all liabilities legally subsisting against such municipal council, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which inclusion of such local area in the city is made, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, due to such municipal council, panchayat union council or village panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the corporation and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of such Notification, were being levied by such municipal council, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.
(4) All proceedings taken by, or against such municipal council, panchayat union
council or village panchayat or authority or any person under the Tamil Nadu District Municipalities
Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu
Act 21 of 1994), as the case may be, shall be continued by, or against, the corporation,
authority or person as if such proceedings had been commenced under the provisions of this
Act.

(5) Any action taken under the Tamil Nadu Act V of 1920 or the Tamil Nadu Act 21 of
1994, as the case may be, by any authority before the date of such Notification, shall be
deemed to have been taken by the authority competent to take such action under this Act as
if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee, who,
immediately before the date of such Notification, was in the service of such municipality, town
panchayat or village panchayat, as the case may be, shall, on and from the date of such
Notification, be deemed to be an officer or employee of the corporation:

Provided that—

(a) the terms and conditions applicable to such officer or employee, consequent
on his absorption in the service of the corporation shall not be less favourable than those
applicable to such officer or employee immediately before the date of such Notification, as
regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation;
and

(b) the service rendered by such officer or employee under such municipality,
town panchayat or village panchayat, as the case may be, up to the date of such Notification,
shall be deemed to be the service under the corporation and he shall be entitled to count that
service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such municipality, town
panchayat or village panchayat, as the case may be, shall be given an option to be exercised
within such time and in such manner as may be prescribed either to be absorbed in the service
of the corporation or to be transferred to the service referred to in section 73-A
of the Tamil Nadu Act V of 1920 or to the service referred to in sections 104 and 105 of the
Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such
municipality, town panchayat or village panchayat, as the case may be, and on such
retrenchment, he shall be eligible for such benefits as may be prescribed.”.

PART-V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

7. In section 4 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part
referred to as the 1920 Act), sub-section (5) shall be omitted.

8. After section 375 of the 1920 Act, the following section shall be inserted,
namely:—

“375-A. Transitional provision on the extension of the area of the Municipality.—
(1) When the area of the municipality is extended, by including any local area, all property, all
rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind
owned by, or vested in, or held in trust by or for the town panchayat, panchayat union council
or village panchayat concerned, of such local area as well as all liabilities legally subsisting
against such town panchayat, panchayat union council or village panchayat, as the case may
be, on and from the date of the Notification, by which inclusion of such local area in the
municipality is made, shall, subject to such directions as the Government may, by general or
special order, give in this behalf, vest with the municipality.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for
expenses or compensation or otherwise, due to such town panchayat, panchayat union council
or village panchayat, as the case may be, on the date of such Notification, shall be recovered
as if they had accrued to the municipality and shall be recovered as if such arrears or
payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of such Notification,
were being levied by such town panchayat, panchayat union council or village panchayat,
as the case may be, shall be deemed to have been levied by the municipality under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against such town panchayat, panchayat union council or village panchayat or authority or any person under this Act or under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the municipality, authority or person as if such proceedings had been commenced under the provisions of this Act.

(5) Any action taken under this Act or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee, who, immediately before the date of such Notification, was in the service of such town panchayat, panchayat union council or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the municipality:

Provided that—

(a) the terms and conditions applicable to such officer or employee consequent on his absorption in the service of the municipality shall not be less favourable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by such officer or employee under such town panchayat, panchayat union council or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the municipality and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such town panchayat, panchayat union council or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the municipality or to be transferred to the service referred to in section 73-A of this Act or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such town panchayat, panchayat union council or village panchayat, as the case may be, and on such retrenchment, he shall be eligible for such benefits as may be prescribed.”.

9. (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2012 is hereby repealed.

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

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.
An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

B É it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 138-H of the Chennai City Municipal Corporation Act, 1919, for clause (c), the following clause shall be substituted, namely:—

"(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

PART-III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In section 169-H of the Madurai City Municipal Corporation Act, 1971, for clause (c), the following clause shall be substituted, namely:—

"(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

PART-IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In section 169-H of the Coimbatore City Municipal Corporation Act, 1981, for clause (c), the following clause shall be substituted, namely:—

"(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.
PART-V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In section 124-J of the Tamil Nadu District Municipalities Act, 1920, for clause (c), the following clause shall be substituted, namely:—

"(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government, Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 16th November 2012 and is hereby published for general information:—

**ACT No. 47 of 2012.**

**An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.**

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:-

**PART-I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.

   (2) It shall come into force on such date as the State Government may, by notification, appoint.

**PART-II.**

**AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. After section 255-A of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:-

   **“255-AA. Permission to construct swimming pool.—**

   (1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

   (2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

   (3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

   (4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

   (5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

   (6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

   (7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 378, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

   Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

   (i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;
(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.

PART-III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. After section 215-A of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:—

“215-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the executive authority.

(2) Every application for permission to construct a swimming pool shall be made to the executive authority and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the executive authority may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the executive authority refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) Any person authorised by the State Government in this behalf may, subject to the provisions of section 335, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the State Government shall authorise, for the purpose of this sub-section, any officer,—

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the Government may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.
4. After section 295-A of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:-

"295-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 468, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,—

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.

5. After section 295-A of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:-

“295-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.
(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 467, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

ACTS:

No. 1 of 2018—Tamil Nadu Payment of Salaries (Amendment) Act, 2018  2-4
No. 2 of 2018—Tamil Nadu Municipal Laws (Amendment) Act, 2018  5-8
No. 3 of 2018—Tamil Nadu Panchayats (Amendment) Act, 2018  9-10
No. 4 of 2018—Tamil Nadu Appropriation Act, 2018  11-16
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 24th January 2018 and is hereby published for general information:—

ACT No. 2 OF 2018.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

PART–I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2018. Short title and commencement

(2) It shall be deemed to have come into force on the 28th day of December 2017.

PART–II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted. Amendment of section 414-B.

PART–III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted. Amendment of section 375-B.

PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted. Amendment of section 510-AAA.

PART–V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted. Amendment of section 511-AAA.

PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted. Amendment of section 10-A.
7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.
PART–XIV.

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.

14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

15. (1) The Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2017 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013 and the Dindigul City Municipal Corporation Act, 2013, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

ACTS:

No. 5 of 2018—Tamil Nadu Local Authorities Entertainments Tax (Amendment) Act, 2018. 18

No. 6 of 2018—Tamil Nadu Municipal Laws (Second Amendment) Act, 2018. 19-20

No. 7 of 2018—Tamil Nadu Business Facilitation Act, 2018. 21-31
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th January 2018, and is hereby published for general information:—

ACT No. 6 OF 2018.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2018.

(2) It shall come into force at once.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In Section 101 of the Chennai City Municipal Corporation Act, 1919,—

(1) for clause (c), the following clause shall be substituted, namely :

“(c) buildings used for educational purpose including hostels and libraries, run by the Government or corporation or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;”;

(2) in the proviso, for the expression “clauses (a), (c) and (e), the expression “clauses (a) and (e)” shall be substituted.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

3. In Section 122 of the Madurai City Municipal Corporation Act, 1971,—

(1) for clause (c), the following clause shall be substituted, namely :

“(c) buildings used for educational purpose including hostels and libraries, run by the Government or corporation or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;”;

(2) in the proviso, for the expression “clauses (a), (c) and (e), the expression “clauses (a) and (e)” shall be substituted.

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

4. In section 123 of the Coimbatore City Municipal Corporation Act, 1981,—

(1) for clause (c), the following clause shall be substituted, namely :—
(c) buildings used for educational purpose including hostels and libraries, run by the Government or corporation or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;"

(2) in the proviso, for the expression "clauses (a), (c) and (e)", the expression "clauses (a) and (e)" shall be substituted.

PART-V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

5. In section 83 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (1),—

(1) for clause (c), the following clause shall be substituted, namely :—

"(c) buildings used for educational purpose including hostels and libraries, run by the Government or municipality or any other local authority or institutions aided by the Government and buildings used for charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council:

Provided that the buildings used for educational purpose by the Government aided institutions for conducting self-financing courses shall be subject to levy of property tax;"

(2) in the proviso, for the expression "clauses (a), (c) and (e)", the expression "clauses (a) and (e)" shall be substituted.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

ACTS:

No. 8 of 2018—Tamil Nadu Labour Welfare Fund (Amendment) Act, 1972. .. 34
No. 9 of 2018—Tamil Nadu Catering Establishments (Amendment) Act, 1958. .. 35-36
No. 10 of 2018—Tamil Nadu Municipal Laws (Third Amendment) Act, 2018 .. 37-45
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 25th January 2018 and is hereby published for general information:—

ACT No.10 OF 2018.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2018.

2. It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. For section 28 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), the following section shall be substituted, namely:—

"28. Election of Mayor.—(1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the divisions from among themselves in accordance with such procedure as may be prescribed;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as a Mayor.

(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the divisions are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.
(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Tamil Nadu State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

3. In section 44-AC of the 1919 Act,

(1) in the marginal heading, the expression “Mayor or” shall be omitted;

(2) in sub-section (1), the expression “Mayor or” shall be omitted;

(3) in sub-section (12), for the expression “Mayor or Deputy Mayor, as the case may be”, the expression “Deputy Mayor” shall be substituted;

(4) in sub-section (13), the expression “Mayor or” shall be omitted;

(5) in sub-section (14), the expression “a Mayor or” shall be omitted.

4. In section 59 of the 1919 Act, in sub-section (2), in clause (c), for the expression “councillor”, the expression “councillor or Mayor” shall be substituted.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

5. For section 29 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), the following section shall be substituted, namely:-

"29. Election of Mayor.—(1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the wards from among themselves in accordance with such procedure as may be prescribed;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as a Mayor.

(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the wards are held.
(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Tamil Nadu State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

6. In section 48-AB of the 1971 Act,—
(1) in the marginal heading, the expression “Mayor or” shall be omitted;
(2) in sub-section (1), the expression “Mayor or” shall be omitted;
(3) in sub-section (12), for the expression “Mayor or Deputy Mayor, as the case may be”, the expression “Deputy Mayor” shall be substituted;
(4) in sub-section (13), the expression “Mayor or” shall be omitted;
(5) in sub-section (14), the expression “a Mayor or” shall be omitted.

7. In section 66 of the 1971 Act, in sub-section (2), in clause (b), for the expression “councillor”, the expression “councillor or Mayor” shall be substituted.

PART- IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

8. For section 29 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), the following section shall be substituted, namely:—

“29. Election of Mayor.— (1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the divisions from among themselves in accordance with such procedure as may be prescribed;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held:

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as a Mayor:

Provided also that no councillor shall be eligible to stand for election as a Mayor.
(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the divisions are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Tamil Nadu State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council.

Amendment of section 50-C.

9. In section 50-C of the 1981 Act,—

(1) in the marginal heading, the expression “Mayor or” shall be omitted;

(2) in sub-section (1), the expression “Mayor or” shall be omitted;

(3) in sub-section (12), for the expression “Mayor or Deputy Mayor, as the case may be”, the expression “Deputy Mayor” shall be substituted;

(4) in sub-section (13), the expression “Mayor or” shall be omitted;

(5) in sub-section (14), the expression “a Mayor or” shall be omitted.

Amendment of section 68.

10. In section 68 of the 1981 Act, in sub-section (2), in clause (b), for the expression “councillor”, the expression “councillor or Mayor” shall be substituted.

PART-V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 3-T.

11. In section 3-T of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), in sub-section (1), after the expression, “members of a town panchayat”, the expression “(exclusive of its chairman)” shall be inserted.

Amendment of section 7.

12. In section 7 of the 1920 Act, in sub-section (1), after the expression “such number of councillors”, the expression “(exclusive of its chairman)” shall be inserted.

Substitution of section 7-A.

13. For section 7-A of the 1920 Act, the following section shall be substituted, namely:—

“7-A. Election of chairman.— The chairman shall be elected by the persons whose names appear in the electoral rolls relating to the municipality from among themselves in accordance with such procedure as may be prescribed:—
Provided that a person who stands for election as chairman shall not be eligible to stand for election as a councillor:

Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as chairman:

Provided also that no councillor shall be eligible to stand for election as chairman.”.

14. In section 8 of the 1920 Act,—

(1) in the marginal heading, for the expression “councillors”, the expression “chairman or councillors” shall be substituted;

(2) in sub-section (1), for the expression “councillors”, the expression “chairman and councillors” shall be substituted;

(3) in sub-section (2), for the expression “councillors”, the expression “chairman and councillors” shall be substituted;

(4) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2-A) The election of the chairman may be held ordinarily at the same time and in the same places as the ordinary elections of the councillors of the municipalities.”;

(5) in sub-section (3), for the expression “A councillor”, the expression “The chairman or a councillor” shall be substituted;

(6) in sub-section (4), for the expression “a councillor”, the expression “the chairman or a councillor” shall be substituted;

(7) in sub-section (5), for the expression “A councillor” and “the councillor”, the expression “The chairman or a councillor” and “the chairman or the councillor” shall, respectively, be substituted.

15. In section 9 of the 1920 Act,—

(1) in the marginal heading, for the expression “councillor”, the expression “chairman or councillor” shall be substituted;

(2) in sub-section (1), for the expression “councillor”, the expression “chairman or councillor” shall be substituted;

(3) in sub-section (3), for the expression “a councillor elected under sub-section (1)”, the expression “a chairman or a councillor elected under sub-section (1)” shall be substituted.

16. In section 12 of the 1920 Act, after sub-section(3), the following sub-section shall be inserted, namely:—
"(4) A chairman shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the chairman."

17. For section 12-A of the 1920 Act, the following section, shall be substituted, namely:

"12-A. Procedure when no vice-chairman is elected.—If at an election held under section 12, no vice-chairman is elected, a fresh election shall be held."

18. For section 14 of the 1920 Act, the following section shall be substituted, namely:

"14. The chairman to be member of council and of every committee of the council.—The chairman shall by virtue of his office be a member of council and of every committee of the council."

19. In section 30 of the 1920 Act,—

(1) in the marginal heading, for the expression "councillor", the expression "chairman and councillor" shall be substituted;

(2) in sub-section (1), for the expression "councillor", the expression "chairman or councillor" shall be substituted.

20. In section 40 of the 1920 Act, including the marginal heading, for the expression "chairman or vice-chairman", wherever it occurs, the expression "vice-chairman" shall be substituted.

21. In section 40-A of the 1920 Act,—

(1) in the marginal heading, for the expression "chairman or vice-chairman", the expression "vice-chairman" shall be substituted;

(2) in sub-section (1), for the expression "chairman or vice-chairman", the expression "vice-chairman" shall be substituted;

(3) in sub-section (12), for the expression "chairman or vice-chairman, as the case may be", the expression "vice-chairman" shall be substituted;

(4) in sub-section (13), the expression "chairman or" shall be omitted;

(5) in sub-section (14), for the expression "a chairman or a vice-chairman", the expression "a vice-chairman" shall be substituted.

22. After section 40-A of the 1920 Act, the following section shall be inserted, namely:
Removal of chairman.— (1) The councillors constituting three-fifths of the sanctioned strength of the council may, by written notice, presented by any two of them, to the Regional Director of Municipal Administration (hereinafter in this section referred to as Regional Director) with a copy to the chairman, express their intention to make a motion against the chairman that the chairman willfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him. The Regional Director shall on receipt of such notice, convene a special meeting for the consideration of the motion and record the views of the council, at the office of the municipality at a date appointed by the Regional Director. The motion shall be deemed to have been passed by the council if four-fifths of sanctioned strength of the council present and voting, is in favour of it; and if it is not passed by four-fifths of the sanctioned strength of the council present and voting, it shall be treated as dropped.

(2) A copy of the notice of the meeting shall be caused to be delivered to the chairman and to all the councillors by the Regional Director at least fifteen days before the date of the meeting.

(3) The Regional Director shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour, appointed for the meeting, the Regional Director is not present to preside at the meeting, the meeting shall stand adjourned to a date to be appointed and notified to the chairman and councillors by the Regional Director under sub-section (4).

(4) If the Regional Director is unable to preside at the meeting, he may after recording his reasons in writing, adjourn the meeting to such other date as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (1). Notice of not less than fifteen days shall be given to the chairman and the councillors, of the date appointed for the adjourned meeting.

(5) Save as provided in sub-sections (3) and (4), a meeting convened for the purpose of considering the notice for the removal of the chairman under this section shall not for any reason, be adjourned.

(6) As soon as the meeting convened under this section is commenced, the Regional Director shall read to the council the notice for the consideration of which it has been convened.

(7) The Regional Director shall not speak on the merits of the notice, nor shall he be entitled to vote at the meeting.

(8) The views of the council shall be duly recorded in the minutes of the meeting and copy of the minutes shall, forthwith on the termination of the meeting, be forwarded by the Regional Director to the State Government through the Commissioner of Municipal Administration.
(9) The State Government shall, after considering the views of the council in this regard, by notice in writing require the chairman to offer, within a specified date, his explanation with respect to his acts of commission or omission mentioned in the notice. If the explanation is received within the specified date and the State Government consider that the explanation is satisfactory, they may drop further action with respect to the notice. If no explanation is received within the specified date, or if the explanation received within such date is not satisfactory, the State Government may pass orders removing the chairman. The orders of the State Government removing the chairman from office shall be final. The orders of the State Government removing the chairman from office shall be published in the Tamil Nadu Government Gazette.

(10) Any person in respect of whom orders have been published under sub-section (9) removing him from the office of chairman shall be ineligible for election as chairman until the date on which notice of the next ordinary elections to the municipal council is published in the manner prescribed, or the expiry of one year from the date specified in the order published under sub-section (9).”.

Amendment of section 43-C.

23. In section 43-C of the 1920 Act, in sub-section (2),—

(1) for the expression “councillors”, the expression “chairman or councillors” shall be substituted;

(2) for the expression “councillor”, the expression “chairman or councillor” shall be substituted.

Amendment of section 48.

24. In section 48 of the 1920 Act,—

(1) in sub-section (1), for the expression “councillor”, the expression “chairman or as a councillor” shall be substituted;

(2) in sub-section (2), for the expression “councillor”, the expression “chairman or as a councillor” shall be substituted.

Amendment of section 49.

25. In section 49 of the 1920 Act,—

(1) in sub-section (1), for the expression “councillor”, the expression “chairman or councillor” shall be substituted;

(2) in sub-section (2),—

(a) in the opening part, for the expression “as a councillor”, the expression “as a chairman or election as a councillor” shall be substituted;

(b) in clause (e), for the expression “a councillor”, in two places where it occurs, the expression “the chairman or a councillor” shall be substituted;

Amendment of section 50.

26. In section 50 of the 1920 Act,

(1) in the marginal heading, for the expression “councillors”, the expression “chairman or councillors” shall be substituted;
(2) in sub-section (1),—

(a) in the opening part, for the expression “a councillor”, the expression “the chairman or a councillor” shall be substituted;

(b) in clause (f), for the expression “of any other councillor”, the expression “of the chairman or any other councillor” shall be substituted;

(c) in clause (i),—

(i) for the expression “councillor”, the expression “the chairman or councillor” shall be substituted;

(ii) in the proviso, for the expression “a councillor”, the expression “the chairman or a councillor” shall be substituted;

(3) in sub-section (4), for the expression “a councillor” and “councillor”, wherever they occur, the expression “the chairman or a councillor” and “the chairman or councillor” shall, respectively, be substituted.

27. In section 51 of the 1920 Act,—

(1) in the marginal heading, for the expression “councillor”, the expression “chairman or councillor” shall be substituted;

(2) in sub-section (1), for the expression “a councillor”, “any councillor” and “such councillor”, the expression “the chairman or a councillor”, “the chairman or any councillor” and “such chairman or councillor” shall, respectively, be substituted;

(3) in sub-section (3), for the expression “councillor”, the expression “chairman or the councillor” shall be substituted.

28. In section 368 of the 1920 Act,—

(1) in sub-section (2), for the expression “councillors”, the expression “chairman and councillors” shall be substituted;

(2) in sub-section (5), for the expression “councillors”, the expression “chairman and councillors” shall be substituted;

(3) in sub-section (6), for the expression “councillors”, the expression “chairman or councillors” shall be substituted.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government, Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

ACTS:

No. 11 of 2018—Tamil Nadu Transparency in Tenders (Amendment) Act, 2018 . . . 48
No. 12 of 2018—Tamil Nadu Local Bodies Laws (Amendment) Act, 2018 .. .. 49-50
No. 13 of 2018—Tamil Nadu Dr. M.G.R. Medical University, Chennai, (Amendment) Act, 2018. 51-52
No. 14 of 2018—Tamil Nadu Town and Country Planning (Amendment) Act, 2018. 53-54
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 26th January 2018 and is hereby published for general information:—

**ACT No. 12 OF 2018.**

**An Act further to amend the laws relating to the Municipal Corporations, Municipalities and Panchayats in the State of Tamil Nadu.**

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

**PART-I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Local Bodies Laws (Amendment) Act, 2018.

(2) It shall be deemed to have come into force on the 3rd day of September 2017.

**PART-II.**

**AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. In the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), in section 5, in sub-section (3), the proviso shall be omitted.

3. In the 1919 Act, sections 46-AA, 46-AAA and 46-AAAA shall be omitted.

**PART-III.**

**AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

4. In the Tamil Nadu District Municipalities Act, 1920, sections 43-AA, 43-AAA and 43-AAAA shall be omitted.

**PART – IV.**

**AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.**

5. In the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), in section 5, in sub-section (3), the proviso shall be omitted.

6. In the 1971 Act, sections 50-A, 50-AA and 50-AAA shall be omitted.

**PART – V.**

**AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

7. In the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), in section 5, in sub-section (3), the proviso shall be omitted.
8. In the 1981 Act, sections 52-A, 52-AA and 52-AAA shall be omitted.

PART –VI.
AMENDMENT TO THE TAMIL NADU PANCHAYATS ACT, 1994.


10. (1) The Tamil Nadu Local Bodies (Amendment) Ordinance, 2017 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981 and the Tamil Nadu Panchayats Act, 1994, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.
# Part IV—Section 2

## Tamil Nadu Acts and Ordinances

### CONTENTS

<table>
<thead>
<tr>
<th>ACTS</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 20 of 2018—The Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2018</td>
<td>84-85</td>
</tr>
<tr>
<td>No. 21 of 2018—The Tamil Nadu Panchayats (Second Amendment) Act, 2018</td>
<td>86</td>
</tr>
</tbody>
</table>
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 30th June 2018 and is hereby published for general information:—

ACT No. 20 of 2018.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2018.

(2) It shall come into force at once.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.
PART – VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – XI.

AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – XII.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – XIII.

AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

PART – XIV.

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.

14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

(By Order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

ACTS:

No. 35 of 2018—The Tamil Nadu Agricultural University (Amendment) Act, 2018... 172

No. 36 of 2018—The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Repeal Act, 2018... 173-174

No. 37 of 2018—The Chennai City Municipal Corporation (Amendment) Act, 2018... 175-176

No. 38 of 2018—The Tamil Nadu Agricultural Produce Marketing (Regulation) (Amendment) Act, 2018... 177-178

No. 39 of 2018—The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants (Amendment) Act, 2018... 179-190

No. 40 of 2018—The Tamil Nadu Municipal Laws (Fifth Amendment) Act, 2018... 191-194
Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2018.

(2) It shall come into force on such date, as the State Government may, by notification, appoint.

2. In Schedule-IV to the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), in Part VI, after rule 29-C, the following rules shall be added, namely:

   "29-D. If any amount remains unpaid after the due date for its payment, the assessee shall pay, in addition to the amount due, interest at such rate not exceeding two per cent simple interest, as may be prescribed.

   29-E. Where arrears amount are due to the corporation consequent on the orders delivered by the Taxation Appeal Tribunal in the appeal preferred by the assessee, the assessee shall pay the said amount with two per cent simple interest from the due date of payment of the said amount, within fifteen days from the date of delivery of the order.

   29-F. Five per cent of the net property tax payable by an assessee, subject to a maximum of five thousand rupees shall be granted as an incentive, who has paid the property tax within fifteen days from the date of commencement of the half-year."

3. In Schedule-V to the principal Act, in Part II, in rule 14, after clause (h) and before the proviso, the following clause shall be inserted, namely:

   "(i) incentive payable to the assessee under rule 29-F of Schedule-IV."

(By order of the Governor)

S.S. POOVALINGAM,  
Secretary to Government,  
Law Department.
Part IV—Section 2

Tamil Nadu Acts and Ordinances

CONTENTS

<table>
<thead>
<tr>
<th>ACTS</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 35 of 2018—The Tamil Nadu Agricultural University (Amendment) Act, 2018</td>
<td>172</td>
</tr>
<tr>
<td>No.36 of 2018—The Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Repeal Act, 2018</td>
<td>173-174</td>
</tr>
<tr>
<td>No. 37 of 2018—The Chennai City Municipal Corporation (Amendment) Act, 2018</td>
<td>175-176</td>
</tr>
<tr>
<td>No. 38 of 2018—The Tamil Nadu Agricultural Produce Marketing (Regulation) (Amendment) Act, 2018</td>
<td>177-178</td>
</tr>
<tr>
<td>No. 39 of 2018—The Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants (Amendment) Act, 2018</td>
<td>179-190</td>
</tr>
<tr>
<td>No. 40 of 2018—The Tamil Nadu Municipal Laws (Fifth Amendment) Act, 2018</td>
<td>191-194</td>
</tr>
</tbody>
</table>
An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fifth Amendment) Act, 2018.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 326-A of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), for clause (a), the following clause shall be substituted, namely:—

“(a) “hoarding” means any screen of boards, other than digital banner and placard, at any place, used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, belonging to the Corporation, visible to public wholly or partly;”.

3. In section 326-C of the 1919 Act,—

(1) in sub-section (1), for the expression “with such fee”, the expression “with such application fee” shall be substituted;

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

“(2) The Commissioner may, after local inspection and on payment of such licence fee as may be prescribed, grant a licence with such conditions or directions as may be prescribed.”;

(3) in sub-section (5), for the expression “under sub-section (1)”, the expression “under sub-sections (1) and (2)” shall be substituted.”.
Amendment of section 326-I.

4. In section 326-I of the 1919 Act, for the expression “ten thousand rupees”, the expression “twenty-five thousand rupees” shall be substituted.

Amendment of Schedule VI.

5. In Schedule VI to the 1919 Act, for the entry “Keeping a shaving or hair dressing saloon”, the following entries shall be substituted, namely:

“Haircutting saloon or beauty parlour, without partition or room.

Beauty parlour, spa or massage parlour, with partition or room or sauna or bathing facilities:

Provided that no licence shall be granted unless the applicant produces no objection certificates from the Health department of the Corporation and from such police officer as may be specified by the Commissioner.”.

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

Amendment of section 285-A.

6. In section 285-A of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), for clause (a), the following clause shall be substituted, namely:

“(a) “hoarding” means any screen of boards, other than digital banner and placard, at any place, used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, belonging to the Municipality, visible to public wholly or partly;”.

Amendment of section 285-C.

7. In section 285-C of the 1920 Act,—

(1) in sub-section (1), for the expression “with such fee”, the expression “with such application fee” shall be substituted;

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

“(2) The District Collector may, after local inspection and on payment of such licence fee as may be prescribed, grant a licence with such conditions or directions as may be prescribed.”;

(3) in sub-section (5), for the expression “under sub-section (1)”, the expression “under sub-sections (1) and (2)” shall be substituted.”.

Amendment of section 285-I.

8. In section 285-I of the 1920 Act, for the expression “ten thousand rupees”, the expression “twenty-five thousand rupees” shall be substituted.

Amendment of Schedule V.

9. In Schedule V to the 1920 Act, for clause (ii), the following clauses shall be substituted, namely:

“(ii) Haircutting saloon or beauty parlour, without partition or room.

(iii) Beauty parlour, spa or massage parlour, with partition or room or sauna or bathing facilities:

Provided that no licence shall be granted unless the applicant produces no objection certificates from such Health officer and police officer as may be specified by the Executive authority.”.
AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

10. In section 410-A of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), for clause (a), the following clause shall be substituted, namely:—

“(a) “hoarding” means any screen of boards, other than digital banner and placard, at any place, used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, belonging to the Corporation, visible to public wholly or partly;”.

11. In section 410-C of the 1971 Act,—

(1) in sub-section (1), for the expression “with such fee”, the expression “with such application fee” shall be substituted;

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

“(2) The District Collector may, after local inspection and on payment of such licence fee as may be prescribed, grant a licence with such conditions or directions as may be prescribed.”;

(3) in sub-section (5), for the expression “under sub-section (1)”, the expression “under sub-sections (1) and (2)” shall be substituted.

12. In section 410-I of the 1971 Act, for the expression “ten thousand rupees”, the expression “twenty-five thousand rupees” shall be substituted.

13. In Schedule IV to the 1971 Act, for the entry “Keeping a shaving or hair dressing saloon”, the following entries shall be substituted, namely:—

“Haircutting saloon or beauty parlour, without partition or room.

Beauty parlour, spa or massage parlour, with partition or room or sauna or bathing facilities:

Provided that no licence shall be granted unless the applicant produces no objection certificates from the Health department of the Corporation and from such police officer as may be specified by the Commissioner.”.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

14. In section 410-A of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), for clause (a), the following clause shall be substituted, namely:—

“(a) “hoarding” means any screen of boards, other than digital banner and placard, at any place, used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, belonging to the Corporation, visible to public wholly or partly;”.

15. In section 410-C of the 1981 Act,—
16. In section 410-I of the 1981 Act, for the expression “ten thousand rupees”, the expression “twenty-five thousand rupees” shall be substituted.

17. In Schedule IV to the 1981 Act, for the entry “Keeping a shaving or hair dressing saloon”, the following entries shall be substituted, namely:

“Haircutting saloon or beauty parlour, without partition or room.

Beauty parlour, spa or massage parlour, with partition or room or sauna or bathing facilities:

Provided that no licence shall be granted unless the applicant produces no objection certificates from the Health department of the Corporation and from such police officer as may be specified by the Commissioner.”.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th January 2019 and is hereby published for general information:—

**ACT No. 6 OF 2019.**

*An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.*

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

**PART – I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 31st day of December 2018.

**PART – II.**

**AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted. Amendment of section 414-B.

**PART – III.**

**AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted. Amendment of section 375-B.

**PART – IV.**

**AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.**

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted. Amendment of section 510-AAA.

**PART – V.**

**AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted. Amendment of section 511-AAA.

**PART – VI.**

**AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.**

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted. Amendment of section 10-A.
PART – VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10-A.

7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.


PART – VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10-A.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.


PART – IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.

Tamil Nadu Act 7 of 2008.

PART – X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.

Tamil Nadu Act 8 of 2008.

PART – XI.

AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.

Tamil Nadu Act 26 of 2008.

PART – XII.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.

Tamil Nadu Act 27 of 2008.

PART – XIII.

AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.

Amendment of section 9-A.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2018”, the expression “upto the 30th day of June 2019” shall be substituted.

Tamil Nadu Act 24 of 2013.

PART – XIV.

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.

Amendment of section 9-A.


Tamil Nadu Act 25 of 2013.
15. (1) The Tamil Nadu Municipal Laws (Sixth Amendment) Ordinance, 2018 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013 and the Dindigul City Municipal Corporation Act, 2013, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.
An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2019.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 349 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), after clause (28), the following clause shall be inserted, namely:—

“(28-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

3. In section 351 of the 1919 Act,—

(1) in clause (a), for the expression “fifty rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “ten rupees”, the expression “two hundred rupees” shall be substituted.

4. After section 351 of the 1919 Act, the following section shall be inserted, namely:—

“351-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.—Notwithstanding anything contained in section 351, in making a by-law under clause (28-A) of section 349, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VIII-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

5. After Schedule VIII of the 1919 Act, the following Schedule shall be inserted, namely:—
Penalties for breach of by-laws made under section 349 (28-A).

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Offences</th>
<th>fine for first time offence</th>
<th>fine for second time offence</th>
<th>fine for third time offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Storage, supply, transport, sale, and distribution of use and throwaway plastics.</td>
<td>Twenty five thousand rupees.</td>
<td>Fifty thousand rupees.</td>
<td>One lakh rupees.</td>
</tr>
<tr>
<td>2</td>
<td>Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.</td>
<td>Ten thousand rupees.</td>
<td>Fifteen thousand rupees.</td>
<td>Twenty five thousand rupees.</td>
</tr>
<tr>
<td>3</td>
<td>Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.</td>
<td>One thousand rupees.</td>
<td>Two thousand rupees.</td>
<td>Five thousand rupees.</td>
</tr>
<tr>
<td>4</td>
<td>Use and distribution of use and throwaway plastics in small commercial vendors.</td>
<td>One hundred rupees.</td>
<td>Two hundred rupees.</td>
<td>Five hundred rupees.</td>
</tr>
</tbody>
</table>

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

6. In section 306 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), after clause (28), the following clause shall be inserted, namely:—

“(28-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

7. In section 308 of the 1920 Act,—

(1) in clause (a), for the expression “fifty rupees” and “fifteen rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “ten rupees”, the expression “two hundred rupees” shall be substituted.

8. After section 308 of the 1920 Act, the following section shall be inserted, namely:—
"308-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.— Notwithstanding anything contained in section 308, in making a by-law under clause (28-A) of section 306, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VIII-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled."

9. After Schedule VIII of the 1920 Act, the following Schedule shall be inserted, namely:— Insertion of new Schedule VIII-A.

"SCHEDULE VIII-A.
Penalties for breach of by-laws made under section 306 (28-A).

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Offences.</th>
<th>fine for first time offence.</th>
<th>fine for second time offence.</th>
<th>fine for third time offence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Storage, supply, transport, sale, and distribution of use and throwaway plastics.</td>
<td>Twenty five thousand rupees.</td>
<td>Fifty thousand rupees.</td>
<td>One lakh rupees.</td>
</tr>
<tr>
<td>(2)</td>
<td>Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.</td>
<td>Ten thousand rupees.</td>
<td>Fifteen thousand rupees.</td>
<td>Twenty five thousand rupees.</td>
</tr>
<tr>
<td>(3)</td>
<td>Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.</td>
<td>One thousand rupees.</td>
<td>Two thousand rupees.</td>
<td>Five thousand rupees.</td>
</tr>
<tr>
<td>(4)</td>
<td>Use and distribution of use and throwaway plastics in small commercial vendors.</td>
<td>One hundred rupees.</td>
<td>Two hundred rupees.</td>
<td>Five hundred rupees.</td>
</tr>
</tbody>
</table>

PART-IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

10. In section 433 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), after clause (31), the following clause shall be inserted, namely:— Amendment of section 433.

"(31-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics."


(1) in clause (a), for the expression “one hundred rupees” and “twenty five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;
(2) in clause (b), for the expression "twenty rupees", the expression "two hundred rupees" shall be substituted.

**12. After section 435 of the 1971 Act, the following section shall be inserted, namely:**

**435-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.**— Notwithstanding anything contained in section 435, in making a by-law under clause (31-A) of section 433, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VI-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

**13. After Schedule VI of the 1971 Act, the following Schedule shall be inserted, namely:**

**“SCHEDULE VI-A.**

Penalties for breach of by-laws made under section 433 (31-A).”

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Offences.</th>
<th>fine for first time offence.</th>
<th>fine for second time offence.</th>
<th>fine for third time offence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
<tr>
<td>1.</td>
<td>Storage, supply, transport, sale, and distribution of use and throwaway plastics.</td>
<td>Twenty five thousand rupees.</td>
<td>Fifty thousand rupees.</td>
<td>One lakh rupees.</td>
</tr>
<tr>
<td>2.</td>
<td>Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.</td>
<td>Ten thousand rupees.</td>
<td>Fifteen thousand rupees.</td>
<td>Twenty five thousand rupees.</td>
</tr>
<tr>
<td>3.</td>
<td>Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.</td>
<td>One thousand rupees.</td>
<td>Two thousand rupees.</td>
<td>Five thousand rupees.</td>
</tr>
</tbody>
</table>
14. In section 432 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), after clause (30), the following clause shall be inserted, namely:—

“(30-A) for the prevention of storage, supply, transport, sale and distribution of use and throwaway plastics.”.

15. In section 434 of the 1981 Act,—

(1) in clause (a), for the expression “one hundred rupees” and “twenty five rupees”, the expression “one thousand rupees” and “two hundred and fifty rupees” shall, respectively, be substituted;

(2) in clause (b), for the expression “twenty rupees”, the expression “two hundred rupees” shall be substituted.

16. After section 434 of the 1981 Act, the following section shall be inserted, namely:—

“434-A. Penalty for breach of by-laws made for prevention of use and throwaway plastics.—Notwithstanding anything contained in section 434, in making a by-law under clause (30-A) of section 432, the council may provide that any person who commits the breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the council not exceeding the amount specified in Schedule VI-A. If a person commits the breach for fourth time, the trade licence issued under this Act shall be cancelled.”.

17. After Schedule VI of the 1981 Act, the following Schedule shall be inserted, namely:—

“SCHEDULE VI-A.

Penalties for breach of by-laws made under section 432 (30-A).

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Offences.</th>
<th>fine for first time offence</th>
<th>fine for second time offence</th>
<th>fine for third time offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Storage, supply, transport, sale, and distribution of use and throwaway plastics.</td>
<td>Twenty five thousand rupees.</td>
<td>Fifty thousand rupees.</td>
<td>One lakh rupees.</td>
</tr>
<tr>
<td>(2)</td>
<td>Use and distribution of use and throwaway plastics in large commercial establishments like malls, textile shops and super markets.</td>
<td>Ten thousand rupees.</td>
<td>Fifteen thousand rupees.</td>
<td>Twenty five thousand rupees.</td>
</tr>
<tr>
<td>(3)</td>
<td>Use and distribution of use and throwaway plastics in medium commercial establishments like grocery shops and pharmaceuticals shops.</td>
<td>One thousand rupees.</td>
<td>Two thousand rupees.</td>
<td>Five thousand rupees.</td>
</tr>
</tbody>
</table>
4. **Use and distribution of use and throwaway plastics in small commercial vendors.**

<table>
<thead>
<tr>
<th></th>
<th>One hundred rupees.</th>
<th>Two hundred rupees.</th>
<th>Five hundred rupees.</th>
</tr>
</thead>
</table>

(By order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government,*
*Law Department.*
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 27th July 2019 and is hereby published for general information:—

**ACT No.26 OF 2019.**

**An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.**

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

**PART – I.**

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2019.

   Short title and commencement.

(2) It shall be deemed to have come into force on the 22nd day of June 2019.

**PART – II.**

**AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.

**PART – III.**

**AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.

**PART – IV.**

**AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.**

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.

**PART – V.**

**AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.
PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION

Amendment of
section 10-A.


PART – VII.

AMENDMENT TO THE TIRUNEVELI CITY MUNICIPAL CORPORATION

Amendment of
section 10-A.


PART – VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of
section 10-A.


PART – IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.


PART – X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.


PART – XI.

AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.

AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.


AMENDMENT TO THE HOSUR CITY MUNICIPAL CORPORATION ACT, 2019.

15. In section 10 of the Hosur City Municipal Corporation Act, 2019, in sub-section (4), the following expression shall be added at the end, namely:—

“or upto the 31st day of December 2019, whichever is earlier.”.

AMENDMENT TO THE NAGERCOIL CITY MUNICIPAL CORPORATION ACT, 2019.

16. In section 10 of the Nagercoil City Municipal Corporation Act, 2019, in sub-section (4), the following expression shall be added at the end, namely:—

“or upto the 31st day of December 2019, whichever is earlier.”.

AMENDMENT TO THE AVADI CITY MUNICIPAL CORPORATION ACT, 2019.

17. In section 10 of the Avadi City Municipal Corporation Act, 2019, in sub-section (4), the following expression shall be added at the end, namely:—

“or upto the 31st day of December 2019, whichever is earlier.”.
18. (1) The Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2019 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013, the Dindigul City Municipal Corporation Act, 2013, the Hosur City Municipal Corporation Act, 2019, the Nagercoil City Municipal Corporation Act, 2019 and the Avadi City Municipal Corporation Ordinance, 2019, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts and Ordinance, as amended by this Act.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government (FAC),
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 27th July 2019 and is hereby published for general information:—

**ACT No. 27 OF 2019.**

An Act further to amend the laws relating to the Chennai City Municipal Corporation and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART-I.

**PRELIMINARY.**

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2019.

   (2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

**AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.**

2. In the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), in section 52, in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

   "(a) of unsound mind;".

3. In the 1919 Act, in section 53, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

   "(a) becomes of unsound mind;".

PART – III.

**AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

4. In the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), in section 49, in sub-section (2), for clause (a), the following clause shall be substituted, namely:—

   "(a) of unsound mind;".

5. In the 1920 Act, in section 50, in sub-section (1), for clause (b), the following clause shall be substituted, namely:—

   "(a) becomes of unsound mind;".

(By order of the Governor)

C. GOPI RAVIKUMAR,
 **Secretary to Government (FAC),**
 **Law Department.**
An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 19th day of November 2019.

PART – II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. For section 28 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), the following section shall be substituted, namely:—

“28. Election of Mayor.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be the Mayor.

(2) The Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Mayor, provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor.”.

3. In section 44-AC of the 1919 Act,—

(1) in the marginal heading, for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(2) in sub-section (1), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(3) in sub-section (12), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor, as the case may be” shall be substituted;
(4) in sub-section (13), for the expression “Deputy Mayor”,
the expression “Mayor or Deputy Mayor” shall be substituted;

(5) in sub-section (14), for the expression “a Deputy Mayor”,
the expression “a Mayor or a Deputy Mayor” shall be substituted.

Amendment of section 53.

4. In section 53 of the 1919 Act, in sub-section (1), for the
expression “(a) becomes of unsound mind”, the following expression
shall be substituted, namely:—

“(b) becomes of unsound mind;”.

Amendment of section 59.

5. In section 59 of the 1919 Act, in sub-section (2),
in clause (c), for the expression “councillor or Mayor”, the expression
“councillor” shall be substituted.

PART – III.

AMENDMENTS TO THE TAMIL NADU DISTRICT
MUNICIPALITIES ACT, 1920.

Amendment of section 3-T.

6. In section 3-T of the Tamil Nadu District Municipalities Act,
1920 (hereinafter in this Part referred to as the 1920 Act), in sub-
section (1), the expression “(exclusive of its chairman)” shall be
omitted.

Substitution of section 7-A.

8. For section 7-A of the 1920 Act, the following section shall be
substituted, namely:—

“7-A. Election of chairman.— (1) The council shall, at its
first meeting after each ordinary election to the council, elect one of
its councillors to be its chairman.

(2) The chairman shall hold office for a period of five years
from the date of his election and he shall continue as such chairman,
provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the chairman shall be
filled by a fresh election and a person elected as chairman on any
such vacancy shall enter upon office forthwith and hold office only
so long as the person in whose place he is elected would have been
entitled to hold office, if the vacancy had not occurred.

(4) A chairman shall be deemed to have
vacated his office on his becoming disqualified for holding the office
or on his removal from office or on the expiry of the term of office or
on his otherwise ceasing to be the chairman.”.

Amendment of section 8

9. In section 8 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman or
councillors”, the expression “councillors” shall be substituted;

(2) in sub-section (1), for the expression “chairman and
councillors”, the expression “councillors” shall be substituted;

(3) in sub-section (2), for the expression “chairman and
councillors”, the expression “councillors” shall be substituted;

(4) sub-section (2-A) shall be omitted;
(5) in sub-section (3), for the expression “The chairman or a councillor”, the expression “A councillor” shall be substituted;

(6) in sub-section (4), for the expression “the chairman or a councillor”, the expression “a councillor” shall be substituted;

(7) in sub-section (5), for the expression “The chairman or a councillor” and “the chairman or the councillor”, the expression “A councillor” and “the councillor” shall, respectively, be substituted.

10. In section 9 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman or councillor”, the expression “councillor” shall be substituted;

(2) in sub-section (1), for the expression “chairman or councillor”, the expression “councillor” shall be substituted;

(3) in sub-section (3), for the expression “a chairman or a councillor elected under sub-section (1)”, the expression “a councillor elected under sub-section (1)” shall be substituted.

11. In section 12 of the 1920 Act, sub-section (4) shall be omitted.

12. For section 12-A of the 1920 Act, the following section shall be substituted, namely:—

“12-A. Procedure when no chairman or vice-chairman is elected.—If at an election held under section 7-A or under section 12 no chairman or vice-chairman, as the case may be, is elected, a fresh election shall be held.”.

13. For section 14 of the 1920 Act, the following section shall be substituted, namely:—

“14. Chairman to be member of every committee of council.—The chairman shall, by virtue of his office, be a member of every committee of the council.”.


(1) in the marginal heading, for the expression “Chairman and councillor”, the expression “Councillor” shall be substituted;

(2) in sub-section (1), for the expression “chairman or councillor”, the expression “councillor” shall be substituted.

15. In section 40 of the 1920 Act, including the marginal heading, for the expression “vice-chairman”, wherever it occurs, the expression “chairman or vice-chairman” shall be substituted.

16. In section 40-A of the 1920 Act,—

(1) in the marginal heading, for the expression “vice-chairman”, the expression “chairman or vice-chairman” shall be substituted;

(2) in sub-section (1), for the expression “vice-chairman”, the expression “chairman or vice-chairman” shall be substituted;
(3) in sub-section (12), for the expression “vice-chairman”, the expression “chairman or vice-chairman, as the case may be” shall be substituted;

(4) in sub-section (13), for the expression “vice-chairman”, the expression “chairman or vice-chairman” shall be substituted;

(5) in sub-section (14), for the expression “a vice-chairman”, the expression “a chairman or a vice-chairman” shall be substituted.

17. Section 40-B of the 1920 Act shall be omitted.

18. In section 43-C of the 1920 Act, in sub-section (2),—

(1) for the expression “chairman or councillors”, the expression “councillors” shall be substituted;

(2) for the expression “chairman or councillor”, the expression “councillor” shall be substituted.

19. In section 48 of the 1920 Act, for the expression “chairman or as a councillor”, occurring in two places, the expression “councillor” shall be substituted.

20. In section 49 of the 1920 Act,—

(1) in sub-section (1), for the expression “chairman or councillor”, the expression “councillor” shall be substituted;

(2) in sub-section (2),—

(a) in the opening portion, for the expression “as a chairman or election as a councillor”, the expression “as a councillor” shall be substituted;

(b) in clause (e), for the expression “the chairman or a councillor” occurring in two places, the expression “a councillor” shall be substituted.

21. In section 50 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman or councillors”, the expression “councillors” shall be substituted;

(2) in sub-section (1),—

(a) in the opening portion, for the expression “the chairman or a councillor”, the expression “a councillor” shall be substituted;

(b) in clause (f), for the expression “of the chairman or any other councillor”, the expression “of any other councillor” shall be substituted;

(c) in clause (i),—

(i) for the expression “the chairman or councillor”, the expression “councillor” shall be substituted;

(ii) in the proviso, for the expression “the chairman or a councillor”, the expression “a councillor” shall be substituted;
(3) in sub-section (4),—
   (a) for the expression “the chairman or a councillor”, the expression “a councillor” shall be substituted;
   (b) for the expression “chairman or councillor”, the expression “councillor” shall be substituted;

22. In section 51 of the 1920 Act,—

(1) in the marginal heading, for the expression “chairman or councillor”, the expression “councillor” shall be substituted;
(2) in sub-section (1), for the expression “the chairman or a councillor”, “the chairman or any councillor” and “such chairman or councillor”, the expression “a councillor”, “any councillor” and “such councillor” shall, respectively, be substituted;
(3) in sub-section (3), for the expression “chairman or the councillor”, the expression “councillor” shall be substituted.

23. In section 368 of the 1920 Act,—

(1) in sub-section (2), for the expression “chairman and councillors”, the expression “councillors” shall be substituted;
(2) in sub-section (5), for the expression “chairman and councillors”, the expression “councillors” shall be substituted;
(3) in sub-section (6), for the expression “chairman or councillors”, the expression “councillors” shall be substituted.

PART – IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.


24. For section 29 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), the following section shall be substituted, namely:—

“29. Election of Mayor.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be the Mayor.

(2) The Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Mayor, provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor.”.
25. In section 48-AB of the 1971 Act,—

(1) in the marginal heading, for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(2) in sub-section (1), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(3) in sub-section (12), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor, as the case may be” shall be substituted;

(4) in sub-section (13), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(5) in sub-section (14), for the expression “a Deputy Mayor”, the expression “a Mayor or a Deputy Mayor” shall be substituted.

26. In section 66 of the 1971 Act, in sub-section (2), in clause (b), for the expression “councillor or Mayor”, the expression “councillor” shall be substituted.

**PART – V.**

**AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

27. For section 29 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), the following section shall be substituted, namely:—

“29. Election of Mayor.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be the Mayor.

(2) The Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Mayor, provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor.”.

28. In section 50-C of the 1981 Act,—

(1) in the marginal heading, for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(2) in sub-section (1), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(3) in sub-section (12), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor, as the case may be” shall be substituted;
(4) in sub-section (13), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(5) in sub-section (14), for the expression “a Deputy Mayor”, the expression “a Mayor or a Deputy Mayor” shall be substituted.

29. In section 68 of the 1981 Act, in sub-section (2), in clause (b), for the expression “councillor or Mayor”, the expression “councillor” shall be substituted.

Amendment of section 68.

30. (1) The Tamil Nadu Municipal Laws (Fifth Amendment) Ordinance, 2019 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government (FAC),
Law Department.
The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 15th February 2020 and is hereby published for general information:—

ACT No. 6 OF 2020.

An Act further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2020.

   (2) It shall be deemed to have come into force on the 31st day of December 2019.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.
PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10-A.

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.


PART – VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10-A.

7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.


PART – VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of section 10-A.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.


PART – IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

Tamil Nadu Act 7 of 2008.

PART – X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

Tamil Nadu Act 8 of 2008.

PART – XI.

AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

Tamil Nadu Act 26 of 2008.

PART – XII.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of section 9-A.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

Tamil Nadu Act 27 of 2008.
PART – XIII.

AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – XIV.

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.

14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – XV.

AMENDMENT TO THE HOSUR CITY MUNICIPAL CORPORATION ACT, 2019.

15. In section 10 of the Hosur City Municipal Corporation Act, 2019, in sub-section (4), for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – XVI.

AMENDMENT TO THE NAGERCOIL CITY MUNICIPAL CORPORATION ACT, 2019.

16. In section 10 of the Nagercoil City Municipal Corporation Act, 2019, in sub-section (4), for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

PART – XVII.

AMENDMENT TO THE AVADI CITY MUNICIPAL CORPORATION ACT, 2019.

17. In section 10 of the Avadi City Municipal Corporation Act, 2019, in sub-section (4), for the expression “upto the 31st day of December 2019”, the expression “upto the 30th day of June 2020” shall be substituted.

18. (1) The Tamil Nadu Municipal Laws (Sixth Amendment) Ordinance, 2019 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013, the Dindigul City Municipal Corporation Act, 2013, the Hosur City Municipal Corporation Act, 2019, the Nagercoil City Municipal Corporation Act, 2019 and the Avadi City Municipal Corporation Act, 2019, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

(By order of the Governor)

C. GOPI RAVIKUMAR,
Secretary to Government (FAC),
Law Department.