

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 12th November, 2010 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 41 OF 2010

A Bill 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.

Short title and commencement.

(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.

Tamil Nadu
Act IV of
1919.

2. In section 3 of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act),—

Amendment of
section 3.

(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:—

Insertion of
new sections
5-C, 5-D, 5-E,
5-F, 5-G and
5-H.

“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.

Amendment of section 2.

4. In section 2 of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act),-

Tamil Nadu Act 15 of 1971.

(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;”.

Insertion of new sections 5-C, 5-D, 5-E, 5-F, 5-G and 5-H.

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.

Tamil Nadu Act
25 of 1981.

Amendment of
section 2.

6. In section 2 of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 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;”.

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.

Insertion of
new
sections
5-C, 5-D, 5-E,
5-F, 5-G and
5-H.

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.

Amendment of section 3.

8. In section 3 of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act),—

Tamil Nadu Act V of 1920.

(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;”.

Insertion of new sections 24-C, 24-D, 24-E, 24-F, 24-G and 24-H.

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.”.

Tamil Nadu
Ordinance
6 of 2010.

10.(1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2010 is hereby repealed.

Repeal and
Saving.

Tamil Nadu
Act
IV of 1919.
Tamil Nadu
Act
15 of 1971.
Tamil Nadu
Act
25 of 1981.
Tamil Nadu
Act
V of 1920.
Tamil Nadu
Act
IV of 1919.
Tamil Nadu
Act
15 of 1971.
Tamil Nadu
Act
25 of 1981.
Tamil Nadu
Act
V of 1920

(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.

STATEMENT OF OBJECTS AND REASONS.

In order to strengthen the Municipal Governments and institutionalize citizens' participation in municipal functions, it has been decided to empower the councils of Municipal Corporations and municipal councils to constitute a Ward Committee for each ward of the Urban Local Bodies with the elected councillor as the chairperson of the said committee with members nominated by the council. It has also been decided to empower the councils of Municipal Corporations and municipal councils to constitute an Area Sabha for each area of the ward with the elected councillor of the ward, to be the chairperson and convener of the Area Sabha. It has been decided to amend the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) suitably for the above purpose. Accordingly, the Tamil Nadu Municipal Laws (Amendment) Ordinance, 2010 (Tamil Nadu Ordinance 6 of 2010) was promulgated by the Governor on the 28th October 2010 and the same was published in the *Tamil Nadu Government Gazette Extraordinary*, dated the 29th October 2010.

2. The Bill seeks to replace the said Ordinance.

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.