

BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

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 30th August, 2011 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 16 of 2011

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-SECOND Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

Short title and commencement.

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.

Substitution of sections 28 and 29.

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:-

Tamil Nadu Act IV of 1919.

“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.

Amendment of
section
44-AB.

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.

Amendment of
section
44-AC.

Insertion of
new section
44-AD.

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.

Amendment of section 59.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu
Act
15 of 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:-

Substitution of sections 29 and 30.

"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.”

Amendment of
section 48-AA.

Amendment of
section 48-AB.

Insertion of
new section
48-AC.

(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.

Amendment of
section 66.

PART - IV.**AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

Substitution of
sections
29 and 30.

Tamil Nadu
Act
25 of 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,—

Amendment of section 50-B.

- (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;

14. In section 50-C of the 1981 Act,—

Amendment of section 50-C.

- (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:—

Insertion of new section 50-D.

"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).".

Amendment of section 68.

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.

Amendment of section 3-F.

Tamil Nadu Act V of 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.

Amendment of section 3-T.

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.

Amendment of section 7.

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.

Insertion of new section 7-A.

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 electrol 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,—

Amendment of section 8.

(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,—

Amendment of section 9.

(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,—

Amendment of section 12.

(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.

Amendment of section 12-A.

Substitution of section 14.

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.”.

Amendment of section 30.

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.

Amendment of section 40.

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.

Amendment of section 40-A.

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;

(4) in sub-section (13), the words “chairman or” shall be omitted;

(5) in sub-section (14), for the words “a chairman or a vice-chairman”, the words “a vice-chairman” shall be substituted.

Insertion of new section 40-B.

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),—

Amendment of
section 43-C

(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,—

Amendment of
section 48.

(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,—

Amendment of
section 49.

(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.

Amendment of
section 50.

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;

(ii) in the proviso, for the words “a councillor”, the words “the chairman or a councillor” shall be substituted;

(3) in sub-section (4), for the words “a councillor” and “councillor”, wherever they occur, the words “the chairman or a councillor” and “the chairman or councillor” shall, respectively, 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.

STATEMENT OF OBJECTS AND REASONS.

At present, the Mayors of the Municipal Corporations and Chairpersons of the Municipalities, are elected by the Councillors from among themselves. It has been brought to the notice of the Government that most of the Mayors or the Chairpersons are merely concentrating in the development of their respective ward from where they are elected, instead of concentrating on the development of the entire Corporation or Municipal areas. Therefore, the Government have decided to change the method of election of Mayor of Municipal Corporation and Chairperson of Municipality, from indirect to direct one, which will facilitate to better administration of the Corporations and Municipalities and resulting in more efficient and quick delivery of civic services to the people. The Government have, therefore, decided to amend the laws relating to Municipal Corporations and Municipalities suitably.

2. The Bill seeks to give effect to the above decision.

K.P. MUNUSAMY
*Minister for Municipal Administration and
Rural Development.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sections 28 and 29 of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) as proposed to be substituted by clause 2 and new section 44-AD as proposed to be inserted in that Act by clause 5 of the Bill; sections 29 and 30 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) as proposed to be substituted by clause 7 and new section 48-AC as proposed to be inserted in that Act by clause 10 of the Bill; sections 29 and 30 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) as proposed to be substituted by clause 12 and new section 50-D as proposed to be inserted in that Act by clause 15 of the Bill; and new sections 7-A and 40-B of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) as proposed to be inserted by clauses 20 and 29, respectively, of the Bill, authorise the Government to make rules or issue notification for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

K.P. MUNUSAMY,
*Minister for Municipal Administration and
Rural Development.*

A.M.P. JAMALUDEEN,
Secretary.