

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 31st October, 2012 is published together with Statement of Objects and Reasons for general information:-

L.A. Bill No. 35 of 2012.

A Bill 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.

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.

Tamil Nadu
Act IV of
1919.

2. After section 255-A of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:-

Insertion of
new Section
255-AA.

“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.

Insertion of
new Section
215-AA.

3. After section 215-A of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:-

Tamil Nadu
Act V of
1920.

“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.”.

PART-IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu
Act 15 of
1971.

4. After section 295-A of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:-

Insertion of
new Section
295-AA.

"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.”.

PART-V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Insertion of
new Section
295-AA.

5. After section 295-A of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:-

Tamil Nadu
Act 25 of
1981.

"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.”.

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of the Government that unfortunate death of a school student has occurred due to lack of safety measures in construction and maintenance of swimming pool. The Government, therefore consider that there is an imperative need to evolve meaningful and comprehensive measures to ensure the safety and security of the users of the swimming pools, particularly in educational institutions. Accordingly, to effectively regulate the construction, maintenance and monitoring of swimming pools, the Government have decided to suitably amend 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), the Coimbatore City Municipal Corporation Act, 1981, (Tamil Nadu Act 25 of 1981) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

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

New section 255-AA proposed to be inserted in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) by clause 2 of the Bill, new section 215-AA proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) by clause 3 of the Bill, new section 295-AA proposed to be inserted in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) by clause 4 of the Bill and new section 295-AA proposed to be inserted in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) by clause 5 of the Bill empower the Government to make rules and empower the Government and the Commissioner, to authorise an officer or a person to enter into any building or land 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.