

**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 29th August, 2016 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 12 of 2016

A Bill further to amend the Tamil Nadu District Municipalities Act, 1920.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu District Municipalities (Amendment) Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 3-T.

2. In section 3-T of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the principal Act), in sub-section (1), the expression “(exclusive of its chairman)” shall be omitted.

Tamil Nadu Act V of 1920.

Amendment of section 7.

3. In section 7 of the principal Act, in sub-section (1), the expression “(exclusive of its chairman)” shall be omitted.

Substitution of section 7-A.

4. For section 7-A of the principal 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.

5. In section 8 of the principal 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.

6. In section 9 of the principal Act,—

Amendment of section 9.

(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.

7. In section 12 of the principal Act, sub-section (4) shall be omitted.

Amendment of section 12.

8. For section 12-A of the principal Act, the following section shall be substituted, namely:—

Substitution of section 12-A.

"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."

9. For section 14 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 14.

"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."

10. In section 30 of the principal Act,—

Amendment of section 30.

(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.

11. In section 40 of the principal Act, including the marginal heading, for the expression "vice-chairman", wherever it occurs, the expression "chairman or vice-chairman" shall be substituted.

Amendment of section 40.

12. In section 40-A of the principal Act,—

Amendment of section 40-A.

(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.

Omission of section 40-B.

13. Section 40-B of the principal Act, shall be omitted.

Amendment of section 43-C.

14. In section 43-C of the principal 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.

Amendment of section 48.

15. In section 48 of the principal Act, for the expression "chairman or as a councillor", occurring in two places, the expression "councillor" shall be substituted.

Amendment of section 49.

16. In section 49 of the principal Act,—

(1) in sub-section (1), for the expression "chairman or councillor", the expression "councillor" shall be substituted;

(2) in sub-section (1-A), for the expression, "as a chairman or election as a councillor", the expression "as a councillor" shall be substituted;

(3) 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.

Amendment of section 50.

17. In section 50 of the principal 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;

(c) in the proviso, for the expression "the chairman or a councillor", the expression "a councillor" shall be substituted.

18. In section 51 of the principal Act,—

Amendment of
section 51.

(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.

19. In section 368 of the principal Act,—

Amendment of
section 368.

(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.

STATEMENT OF OBJECTS AND REASONS.

At present, election to the councils of the Urban Local Bodies are conducted on party basis and the chairmen are elected directly. It has been brought to the notice of the Government that in certain circumstances, the chairmen do not get the co-operation of councillors and vice-versa and thereby, there have been impediments in the proceedings of councils and to arrive at consensus in passing resolutions to provide civic services to the public, as both the chairmen and the councillors are elected directly. Having felt the difficulties faced by the Councils of the Municipal Corporations, the Tamil Nadu Municipal Corporation Laws (Amendment) Act, 2016 (Tamil Nadu Act 8 of 2016) was enacted to enable the councillors to elect a councillor from among themselves as Mayor for the Municipal Corporation. As such, in order to have a uniform election procedures in all the Urban Local Bodies in the State, the Government have decided to elect the chairmen of the Municipalities and Town Panchayats also indirectly by the councillors or members from among themselves, as the case may be.

2. To give effect to the above decisions, the Government have decided to amend the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), suitably.

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

S.P. VELUMANI,

*Minister for Municipal Administration and
Rural Development, Implementation
of Special Programme.*

A.M.P. JAMALUDEEN,
Secretary.