

The following Ordinance which was promulgated by the Governor on the 17th October 2016 is hereby published for general information:-

TAMIL NADU ORDINANCE NO. 2 OF 2016.

An Ordinance further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:-

PART-I.

PRELIMINARY.

1. (1) This Ordinance may be called the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016.

Short title and commencement.

(2) It shall come into force at once.

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

2. After section 414-A of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:-

Insertion of new section 414-B.

“414-B. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the State Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

3. After section 375-A of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:-

Insertion of new section 375-B.

“375-B. Appointment of Special Officers.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the State Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the Municipalities or the Town Panchayats, as the case may be, until the day on which the first meetings of the councils are held after ordinary elections to the Municipalities or the Town Panchayats, as the case may be, after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

Tamil Nadu Act IV of 1919.

Tamil Nadu Act V of 1920.

PART-IV.AMENDMENT TO THE MADURAI CITY MUNICIPAL
CORPORATION ACT, 1971.Insertion of
new section
510-AAA.

4. After section 510-AA of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:-

Tamil Nadu
Act 15 of
1971.

“510-AAA. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-V.AMENDMENT TO THE COIMBATORE CITY MUNICIPAL
CORPORATION ACT, 1981.Insertion of
new section
511-AAA.

5. After section 511-AA of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:-

Tamil Nadu
Act 25 of 1981.

“511-AAA. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-VI.AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL
CORPORATION ACT, 1994.Insertion of
new section
10-A.

6. After section 10 of the Tiruchirappalli City Municipal Corporation Act, 1994, the following section shall be inserted, namely:-

Tamil Nadu
Act 27 of 1994.

“10-A. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-VII.AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL
CORPORATION ACT, 1994.Insertion of
new section
10-A.

7. After section 10 of the Tirunelveli City Municipal Corporation Act, 1994, the following section shall be inserted, namely:-

Tamil Nadu
Act 28 of 1994.

“10-A. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Tamil Nadu
Act 29 of 1994.

8. After section 10 of the Salem City Municipal Corporation Act, 1994, the following section shall be inserted, namely:-

Insertion of
new section
10-A.

“10-A. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

Tamil Nadu
Act 7 of 2008.

9. After section 9 of the Tiruppur City Municipal Corporation Act, 2008, the following section shall be inserted, namely:-

Insertion of
new section
9-A.

“9-A. Appointment of Special Officer.- Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

Tamil Nadu
Act 8 of 2008.

10. After section 9 of the Erode City Municipal Corporation Act, 2008, the following section shall be inserted, namely:-

Insertion of
new section
9-A.

“9-A. Appointment of Special Officer.-Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-XI.AMENDMENT TO THE VELLORE CITY MUNICIPAL
CORPORATION ACT, 2008.Insertion of
new section
9-A.

11. After section 9 of the Vellore City Municipal Corporation Act, 2008, the following section shall be inserted, namely:-

Tamil Nadu
Act 26 of 2008.

“9-A. Appointment of Special Officer.-Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-XII.AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL
CORPORATION ACT, 2008.Insertion of
new section
9-A.

12. After section 9 of the Thoothukudi City Municipal Corporation Act, 2008, the following section shall be inserted, namely:-

Tamil Nadu
Act 27 of 2008.

“9-A. Appointment of Special Officer.-Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART-XIII.AMENDMENT TO THE THANJAVUR CITY MUNICIPAL
CORPORATION ACT, 2013.Insertion of
new section
9-A.

13. After section 9 of the Thanjavur City Municipal Corporation Act, 2013, the following section shall be inserted, namely:-

Tamil Nadu
Act 24 of 2013.

“9-A. Appointment of Special Officer.-Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

PART–XIV.AMENDMENT TO THE DINDIGUL CITY MUNICIPAL
CORPORATION ACT, 2013.Tamil Nadu
Act 25 of 2013.

14. After section 9 of the Dindigul City Municipal Corporation Act, 2013, the following section shall be inserted, namely:-

Insertion of
new section
9-A.

“9-A. Appointment of Special Officer.-Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 or upto the 31st day of December 2016, whichever is earlier.”.

17th October 2016.

CH. VIDYASAGAR RAO,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members/ councillors of Town Panchayats, Municipalities and Corporations. In the meantime, a Writ Petition was filed in the High Court of Madras challenging the said notification. The High Court of Madras in its order, dated 04.10.2016 in W.P.No.33984 of 2016 and W.M.P. Nos.29329 and 29330 of 2016, among others, has directed the Tamil Nadu State Election Commission to issue fresh notification to conduct election and complete such election process at the earliest, not later than the 31st December 2016 and has also directed the Government to administer the local bodies by appointing Special Officers till the elections are held, as the present terms of offices of the elected representatives of local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above directions of the High Court of Madras, the Commissioner of Municipal Administration, the Director of Town Panchayats and the Commissioner, Greater Chennai Corporation, being the State Election Officers and District Election Officer, respectively, requested the Government to appoint Special Officers to administer the Town panchayats, Municipalities and Corporations, until the councils are formed after the ordinary elections. Hence, based on the orders of the High court of Madras, the Government have decided to amend the laws relating to the Town Panchayats, Municipalities and Corporations, so as to enable the Government to appoint Special Officers to administer the said Town Panchayats, Municipalities and Corporations, till elections to the said Town Panchayats, Municipalities and Corporations are held or upto the 31st December 2016, whichever is earlier.

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

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government-in-charge,
Law Department.