

The following Ordinance which was promulgated by the Governor on the 27th December 2016 is hereby published for general information:-

TAMIL NADU ORDINANCE No. 4 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 (Fourth 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.

Amendment of section 414-B.

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression "upto the 31st day of December 2016", the expression "upto the 30th day of June 2017" shall be substituted.

Tamil Nadu Act IV of 1919.

PART-III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 375-B.

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression "upto the 31st day of December 2016", the expression "upto the 30th day of June 2017" shall be substituted.

Tamil Nadu Act V of 1920.

PART-IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment of section 510-AAA.

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression "upto the 31st day of December 2016", the expression "upto the 30th day of June 2017" shall be substituted.

Tamil Nadu Act 15 of 1971.

PART-V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of section 511-AAA.

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression "upto the 31st day of December 2016", the expression "upto the 30th day of June 2017" shall be substituted.

Tamil Nadu Act 25 of 1981.

PART-VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

Tamil Nadu
Act 27 of 1994.

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Amendment of
section
10-A.

PART-VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

Tamil Nadu
Act 28 of 1994.

7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Amendment of
section
10-A.

PART-VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

Amendment of
section
10-A.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Tamil Nadu
Act 29 of 1994.

PART-IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Tamil Nadu
Act 7 of 2008.

PART-X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Tamil Nadu
Act 8 of 2008.

PART-XI.

AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Tamil Nadu
Act 26 of 2008.

PART-XII.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

Amendment of
section 9-A.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Tamil Nadu
Act 27 of 2008.

PART-XIII.

AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.

Tamil Nadu
Act 24 of 2013.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Amendment of
section 9-A.**PART-XIV.**

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.

Tamil Nadu
Act 25 of 2013.

14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for the expression “upto the 31st day of December 2016”, the expression “upto the 30th day of June 2017” shall be substituted.

Amendment of
section 9-A.

27th December 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 Municipal 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, among other things, 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.

2. Based on the above direction of the Hon'ble High Court of Madras, the laws relating to the Town Panchayats, Municipalities and Municipal Corporations have been amended by the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 2 of 2016) to appoint Special Officers to exercise the powers and discharge the functions of the Town Panchayats, Municipalities and Municipal Corporations until the day on which the first meeting of the council is held after ordinary elections to the said urban local bodies after the date of commencement of the said Tamil Nadu Ordinance 2 of 2016 or upto the 31st December 2016, whichever is earlier. Pursuant to the above Ordinance, Special Officers were appointed to administer Town Panchayats, Municipalities and Municipal Corporations.

3. As per the laws relating to the Town Panchayats, Municipalities and Municipal Corporations, the electoral roll of Town Panchayats, Municipalities and Municipal Corporations shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of the law for the time being in force in respect of Town Panchayats, Municipalities and Municipal Corporations and shall be deemed to be electoral roll for such Town Panchayats, Municipalities and Municipal Corporations. The special summary revision of electoral roll for the Tamil Nadu Legislative Assembly is under progress and the same is expected to be made available from the Election Commission of India only in the month of January 2017. On receipt of Assembly electoral rolls, the Tamil Nadu State Election Commission shall be in a position to publish the final electoral roll for the purpose of conducting ordinary elections. The State Election Commission has further stated that the annual examination for school students including the HSC (12th Standard) and SSLC (10th Standard) are scheduled to be held between the 2nd March 2017 and the middle of April 2017 and that most of the polling personnel are drafted from the teaching staff of School Education Department and therefore they cannot be deployed for the election duties for conducting local bodies elections and also most of the school premises are used as polling station, which will be available only after the annual examination and valuation of answer sheets are over in the month of April 2017. Hence, the Tamil Nadu State Election Commission has requested that an appropriate action may be taken by the Government to make suitable arrangements for administering the affairs of the urban local bodies considering the expiry of term of office of Special Officers on the 31st December 2016. Further, the Commissioner of Municipal Administration and Director of Town Panchayats being the State Election Officers of Municipalities, Municipal Corporations and Town Panchayats, respectively, and the Commissioner, Chennai Corporation being the District Election Officer of Chennai Corporation limits, have also expressed similar views and stated that as elections could not be conducted before the 31st December 2016, the term of office of Special Officers may be extended beyond the 31st December 2016 for a further period of six months upto the 30th June 2017.

4. The Government have, therefore, decided to amend the laws relating to Town Panchayats, Municipalities and Municipal Corporations so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 30th June 2017 or until the first meeting of the council is held after the ordinary elections to the Town Panchayats, Municipalities and Municipal Corporations, whichever is earlier.

5. 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.*