

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 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 29 of 2019

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 Seventieth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 22nd day of June 2019.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919. 2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Amendment of section 414-B.

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu Act V of 1920. 3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Amendment of section 375-B.

PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971. 4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Amendment of section 510-AAA.

PART – V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu Act 25 of 1981. 5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Amendment of section 511-AAA.

PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT,
1994.

Amendment of section 10-A.	6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 27 of 1994.
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PART – VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION
ACT, 1994.

Amendment of section 10-A.	7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 28 of 1994.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 29 of 1994.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 7 of 2008.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 8 of 2008.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 26 of 2008.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Tamil Nadu Act 27 of 2008.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Amendment of section 9-A.
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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 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted.	Amendment of section 9-A.
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PART – XV.

AMENDMENT TO THE HOSUR CITY MUNICIPAL CORPORATION ACT, 2019.

Tamil Nadu Act 10 of 2019.	15. In section 10 of the Hosur City Municipal Corporation Act, 2019, in sub-section (4), the following expression shall be added at the end, namely:— “or upto the 31st day of December 2019, whichever is earlier.”	Amendment of section 10.
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PART – XVI.AMENDMENT TO THE NAGERCOIL CITY MUNICIPAL CORPORATION
ACT, 2019.

Tamil Nadu Act 11 of 2019.	16. In section 10 of the Nagercoil City Municipal Corporation Act, 2019, in sub-section (4), the following expression shall be added at the end, namely:— “or upto the 31st day of December 2019, whichever is earlier.”	Amendment of section 10.
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PART – XVII.

AMENDMENT TO THE AVADI CITY MUNICIPAL CORPORATION ACT, 2019.

	17. In section 10 of the Avadi City Municipal Corporation Act, 2019, in sub-section (4), the following expression shall be added at the end, namely:— “or upto the 31st day of December 2019, whichever is earlier.”	Amendment of section 10.
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Tamil Nadu Ordinance 4 of 2019.	18. (1) The Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2019 is hereby repealed.	Repeal and saving.
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<p>(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013, the Dindigul City Municipal Corporation Act, 2013, the Hosur City Municipal Corporation Act, 2019, the Nagercoil City Municipal Corporation Act, 2019 and the Avadi City Municipal Corporation Ordinance, 2019, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts and Ordinance, as amended by this Act.</p>	<p>Tamil Nadu Act IV of 1919.</p> <p>Tamil Nadu Act V of 1920.</p> <p>Tamil Nadu Act 15 of 1971.</p> <p>Tamil Nadu Act 25 of 1981.</p> <p>Tamil Nadu Act 27 of 1994.</p> <p>Tamil Nadu Act 28 of 1994.</p> <p>Tamil Nadu Act 29 of 1994.</p> <p>Tamil Nadu Act 7 of 2008.</p> <p>Tamil Nadu Act 8 of 2008.</p> <p>Tamil Nadu Act 26 of 2008.</p> <p>Tamil Nadu Act 27 of 2008.</p> <p>Tamil Nadu Act 24 of 2013.</p> <p>Tamil Nadu Act 25 of 2013.</p> <p>Tamil Nadu Act 10 of 2019.</p> <p>Tamil Nadu Act 11 of 2019.</p> <p>Tamil Nadu Ordinance 2 of 2019.</p>
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STATEMENT OF OBJECTS AND REASONS.

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. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016, while upholding the Government Orders has, among other things, directed the Government to administer the local bodies by appointment of Special Officers till the elections are held, as the terms of office 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 direction of the High Court, Madras, Special Officers were appointed to the Town Panchayats, Municipalities and Municipal Corporations, from time to time, and the term of office of the said Special Officers was due to expire on the 30th June 2019.

2. Further, in Writ Appeal No.1268/2016 in W.P.No.33984/2016 filed by the Tamil Nadu State Election Commission, the High Court of Madras on 04.09.2017 has ordered that the notification announcing elections to local bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to local bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the appeal on 06.09.2017. In the meantime, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2016 and the same is also pending.

3. The Civil Appeal Nos.5467-5469/2017 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court for delimitation of territorial wards of Local Bodies and for other matters connected therewith are still pending before the Supreme Court. In pursuance of orders of Supreme Court in W.P.(C)No.769/2017, Writ Petition No.22646/2017 has been filed before the Madurai Bench of Madras High Court for conducting elections to the local bodies. Again another Writ Petition (C) No.1267/2018 has also been filed before the Supreme Court praying for conducting the Local Bodies Elections. The said Civil Appeal and Writ Petitions are also pending.

4. Taking into consideration of the pendency of Civil Appeals for delimitation of territorial wards of Local Bodies based on the population figures of 2011 census, the Government have constituted Delimitation Commission under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for undertaking delimitation of territorial wards of Rural and Urban Local Bodies based on the population figures of last preceding census, namely, 2011 census as required under Articles 243(f) and 243P(g) of the Constitution. Based on the recommendations of Tamil Nadu Delimitation Commission, the territorial wards of Urban Local Bodies have been notified in the *Tamil Nadu Government Gazette* and District Gazette, as the case may be, dated the 14th December 2018 and the reservation of seats for the person belonging to the Scheduled Castes, Scheduled Tribes and women in general and women belonging to the Scheduled Castes and Scheduled Tribes in Urban Local Bodies has also been notified in the *Tamil Nadu Government Gazette* and the District Gazette, dated the 20th May 2019 and 24th May 2019, respectively.

5. The Tamil Nadu State Election Commission has stated that in view of Parliamentary Elections, as the Model Code of Conduct was in force from March 2019, the Returning Officer / District Collectors have expressed their inability to take up the exercise of preparatory work for conducting the Local Bodies election simultaneously with Parliamentary Election work. The Electoral Roll prepared by the Election Commission of India on Legislative Assembly wise has to be converted into ward wise to the identified Polling Stations. The hard copy as well as the soft copies of Electoral Roll have been obtained with due approval of the Election Commission of India only recently and the work is in progress. The Election Commission of India has given their approval for the soft copies of the Electoral Roll only during April, 2019 and this Electoral Roll has to be converted into ward wise for which the National Informatics Centre (NIC) has sought for 95 days time to complete the task. Therefore, before preparing the Local Body Electoral Roll, it is not possible to announce the date of Local Body Elections.

6. In these circumstances, the term of office of the Special Officers was due to expire on 30th June 2019. The Government, 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 31st December 2019 or until the first meeting of council is held after the ordinary elections to the Town Panchayats, Municipalities and Municipal Corporations, whichever is earlier. Accordingly, the Governor has promulgated the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2019 (Tamil Nadu Ordinance 4 of 2019) on the 22nd June 2019 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 22nd June 2019.

7. The Bill seeks to replace the said Ordinance.

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*Minister for Municipal Administration and
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Special Programme.*

K. SRINIVASAN,
Secretary.