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Part IV—Section 1

Tamil Nadu Bills

CONTENTS

	Pages.
BILLS :	
L.A. Bill No.9 of 2016 — Tamil Nadu Municipal Corporation Laws (Amendment) Act, 2016	48-51
L.A. Bill No.10 of 2016 — Tamil Nadu Municipal Laws (Second Amendment) Act, 2016	53-55
L.A. Bill No.11 of 2016 — Tamil Nadu Panchayats (Second Amendment) Act, 2016	57-58

**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 22nd June, 2016 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 9 of 2016

***A Bill further to amend the Laws relating to the Municipal
Corporations in the State of Tamil Nadu.***

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:—

PART-I.

PRELIMINARY.

Short title **1.** (1) This Act may be called the Tamil Nadu Municipal Corporation Laws (Amendment) Act, 2016.

PART-II.

**AMENDMENTS TO THE CHENNAI CITY MUNICIPAL
CORPORATION ACT, 1919.**

Amendment of
section 28.

2. For section 28 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), the following section shall be substituted, namely:—

Tamil Nadu Act
IV of 1919.

“28. Election of Mayor.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be the Mayor.

(2) The Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Mayor, provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor 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 Mayor 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 his term of office or on his otherwise ceasing to be the Mayor.”.

Amendment of
section
44-AC.

3. In section 44-AC of the 1919 Act,—

(1) in the marginal heading, for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(2) in sub-section (1), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(3) in sub-section (12), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor, as the case may be” shall be substituted;

(4) in sub-section (13), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(5) in sub-section (14), for the expression “a Deputy Mayor”, the expression “a Mayor or a Deputy Mayor” shall be substituted.

Amendment of
section 59.

4. In section 59 of the 1919 Act, in sub-section (2), in clause (c), for the expression “councillor or Mayor”, the expression “councillor” shall be substituted.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act
15 of 1971.

5. For section 29 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), the following section shall be substituted, namely:—

Amendment of
section 29.

“29. Election of Mayor.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be the Mayor.

(2) The Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Mayor, provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor 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 Mayor 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 his term of office or on his otherwise ceasing to be the Mayor.”.

6. In section 48-AB of the 1971 Act,—

(1) in the marginal heading, for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(2) in sub-section (1), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(3) in sub-section (12), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor, as the case may be” shall be substituted;

(4) in sub-section (13), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(5) in sub-section (14), for the expression “a Deputy Mayor”, the expression “a Mayor or a Deputy Mayor” shall be substituted.

7. In section 66 of the 1971 Act, in sub-section (2), in clause (b), for the expression “councillor or Mayor”, the expression “councillor” shall be substituted.

Amendment of
section 66.

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu
Act 25 of
1981.

8. For section 29 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), the following section shall be substituted, namely:—

Amendment of
section 29.

“29. Election of Mayor.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be the Mayor.

(2) The Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Mayor, provided that in the meantime he does not cease to be a councillor.

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor 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 Mayor 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 his term of office or on his otherwise ceasing to be the Mayor.”.

Amendment of
section 50-C.

9. In section 50-C of the 1981 Act,—

(1) in the marginal heading, for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(2) in sub-section (1), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(3) in sub-section (12), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor, as the case may be” shall be substituted;

(4) in sub-section (13), for the expression “Deputy Mayor”, the expression “Mayor or Deputy Mayor” shall be substituted;

(5) in sub-section (14), for the expression “a Deputy Mayor”, the expression “a Mayor or a Deputy Mayor” shall be substituted.

Amendment of
section 68.

10. In section 68 of the 1981 Act, in sub-section (2), in clause (b), for the expression “councillor or Mayor”, the expression “councillor” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

At present, election to the municipal corporations are conducted on party basis. It has been brought to the notice of the Government that the councils of certain municipal corporations are not functioning properly since the Mayor does not enjoy the support of the councillors. It is considered that if the Mayor of a Corporation enjoys the support of majority of councillors, the council can function in a better manner. Therefore, the Government have decided to elect the Mayor of the Corporations indirectly by councillors from among themselves. To give effect to the above decisions, the Government have decided to amend the laws relating to the Municipal Corporations suitably.

2. 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.

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 22nd June, 2016 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 10 of 2016

A Bill further to amend the Laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

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:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016. Short title and commencement.
- (2) it shall come into force at once.

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act
IV of 1919.

2. After section 46-AAA of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:—

Insertion of
new section
46-AAAA.

“46-AAAA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors to be returned from such divisions shall be the same as they exist on the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016.”.

PART-III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act
15 of 1971.

3. After section 50-AA of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:—

Insertion of
new section
50-AAA.

“50-AAA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016, the territorial area of the wards of the city, the total number of wards and the total number of councillors to be returned from such wards shall be the same as they exist on the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016.”.

PART-IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Insertion of
new section
52-AAA.

4. After section 52-AA of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:—

Tamil Nadu Act
25 of 1981

“52-AAA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors to be returned from such divisions shall be the same as they exist on the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016.”.

PART-V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Insertion of
new section
43-AAAA.

5. After section 43-AAA of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:—

Tamil Nadu Act
V of 1920.

“43-AAAA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016, the territorial area of the wards of the municipal councils, the total number of wards and the total number of councillors or members, as the case may be, to be returned from such wards shall be the same as they exist on the date of commencement of the Tamil Nadu Municipal Laws (Second Amendment) Act, 2016.”.

STATEMENT OF OBJECTS AND REASONS

The next ordinary elections to the Municipal Corporations, Municipalities and Town Panchayats have to be conducted before 24th day of October 2016. The question of fixation of ward strength with reference to 2011 population census figures and the consequent delimitation of wards was taken up by the Commissioners of Municipal Corporations and Municipalities and Executive Officers of Town Panchayats. The official figures of 2011 census figures received only in the year 2013. Now, it has been brought to the notice of the Government that while exercising the option of fixation of ward strength and delimitation with reference to 2011 census, difficulties were experienced by the Commissioners and Executive Officers to arrive at population to take up delimitation works which has to be completed by 15th July 2016. It would also be not possible to prepare ward-wise electoral roll based on the recent Assembly Electoral roll, after delimitation of wards which will be a laborious and time-bound work and that the delimitation of wards based on 2011 census in respect of the urban local bodies may cause set back and will be detrimental to the election process as the time limit is very short, since the delimitation of the wards have to be done at the earliest on or before 25th July 2016. The Government have, therefore, decided to conduct the said ordinary election, with the existing territorial area of divisions or wards and total number of councillors or members to be returned from such divisions or wards, in respect of urban local bodies for which delimitation work has not yet been completed and to amend respective urban local bodies Acts, suitably in this regard.

2. The Bill seeks to give effect to the above decisions.

S.P. VELUMANI,

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

A.M.P. JAMALUDEEN,
Secretary.

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 22nd June, 2016 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 11 of 2016

A Bill further to amend the Tamil Nadu Panchayats Act, 1994.

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:-

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 2016.

Short title and commencement.

(2) It shall come into force at once.

2. After Section 28-AA of the Tamil Nadu Panchayats Act, 1994, the following section shall be inserted, namely:-

Insertion of new Section 28-AAA.

“28-AAA. Special provision relating to election.—Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election for the village panchayats, panchayat union councils and district panchayats to be held immediately after the date of commencement of the Tamil Nadu Panchayats (Second Amendment) Act, 2016, the territorial area of wards, the number of wards in every village panchayat, panchayat union and district panchayat and the number of members to be returned by each such wards shall be the same as they exist on the date of commencement of the Tamil Nadu Panchayats (Second Amendment) Act, 2016.”.

Tamil Nadu
Act 21 of
1994 .

STATEMENT OF OBJECTS AND REASONS

According to the provisions of Section 8, 19, 26, 27 and 28 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), the number of elected members to be returned to the village panchayats, Panchayat union councils and District Panchayats and the territorial wards and its extent, shall be determined based on the 2011 population census figures.

Following the enhancement of reservation for women in rural local bodies from one-third to fifty per cent of the total seats and offices, the District Collectors who are the Inspectors of Panchayats have taken up the work of revising the reservation of seats and offices for women in the village panchayats, Panchayat unions and district panchayats based on 2011 population census figure for conduct of ordinary elections to rural local bodies in the year 2016. Similarly, as per the provisions of the Tamil Nadu Panchayats (Reservation of seats and rotation of reserved seats) Rules, 1995 rotation in reservation of seats and offices for village panchayats, panchayat unions and district panchayats have to be followed in the ordinary elections to rural local bodies in the year 2016. Due to such huge exercises at the grassroots level, a fresh delimitation and rotation in reservation of seats and offices of all the village panchayats, panchayat unions and district panchayats, based on 2011 population census figures cannot be completed before the next ordinary elections to the rural local bodies, which is scheduled to be conducted before 24th October 2016. The Government have, therefore, decided to conduct the said ordinary election to the rural local bodies, based on the existing territorial area of wards of the panchayats, number of wards, the number of members to be returned from such wards and to amend the Tamil Nadu Panchayats Act, 1994, (Tamil Nadu Act 21 of 1994) suitably, for the said purpose.

2. 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.