

TAMIL NADU URBAN LOCAL BODIES ACT, 1998

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TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 4th May 1999 and is hereby published for general information 1 2— Act No. 9 OF 1999. An Act to amend and consolidate the laws relating to Municipalities and Municipal Corporations in the State of Tamil Nadu and matters connected therewith and incidental thereto. BB it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows :— CHAPTER-I. PRELIMINARY. I, (1) This Act may be called the Tamil Nadu Urban Local Bodies Act, 1998. Short title, extent and (2) It extends to the whole of the State of Tamil Nadu, (3) It shall come into force on such date as the Government may, by 39--2* al Act 59 of 1988. notification, appoint

2. In this Act, unless the context otherwise requires,—appoint " includes to appoint temporarily or in an omciating capacity and " appointment " shall be construed accordingly ; (2) " building " includes— (a) a house, out-house, stable, latrine, godown, shed, hut, wall and any other structure whether of masonry, bricks, mud, wood, metal or any other materials whatsoever ; (b) a structure on wheels or simply resting on the ground without founda- tions ; and (c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods ; (3) " building line " means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the building rules ; (4) " carriage " means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle; tricycle and cycle-rickshaw but does not include any motor vehicle within the meaning of the Motor Vehicles Act, 1988 ; (5) " casual vacancy " means a vacancy occurring otherwise than by emux of time and " mid-term election " means an election held on the occurrence of a casual vacancy ; (6) " Chairperson " and " Deputy Chairperson " means— (a) in relation to a municipal corporation, the Mayor and the Deputy Mayor, respectively ; (b) in relation to a municipalit.y, the Chairperson and Vice-Chairperson, respectively ; and (c) in relation to a town panchayat , the Chairperson and Vice.Chairpersor... respectively ; (7) " Comtmsstoner means— (a) in relation to a municipal corporation ana municipality, the Com• nigsioner of the municipal corporation or municipality: as tue case may be : end Dennitions. (A Group) IV.2 '398)..2 40 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (b) in relation to a town panchayat, the Executive Offcer of the town pan- chayat; (8) "committee" means the Standing Committee, ward s. ConnitCee• or any other committee constitutea under this Act "company'.' including any Centsal (a) •any d'efiné in thé Companies Act, 1956; foreign O.nmnnav within the meaning section 591 nf th? t A ct • (b) any body cqrpor?te , or (c) any firm or association, h'hether incorporated or not, carrying on business in the State of Tamil Nadu whether or•not its principal place of business is situated in the said State , (IO) "council" means the council of the municipal corporation, municipality or town panchayat. as the case may be; (l l) "councillor" means the councillor elected to a municipal corporation, municipality or panchayat. as the case may be. ; means the date appointed (12) "date of the commencement of this Act ' under sub-section (3) of section i , (13) " Director " means,— (a) in relation to a muni cipal corporation, the Director appointed by the Government for the corporations and if there is no Director for any Corporation, the Government; (b) in relation to a municipality, the Director of Municipal Ad ministration appointed by the Government : and (c) in relation to a town panchayat, the Director of Town Panchayats appointed by the Government , (14) "Finance Commission" means the Finance Commission referred to in section 72 : (15) "food" includes,— (a) every article (other than drugs and water) used as food or drink for human consumption ; (b) all materials used or admixed in the composition or preparation of such articles ; and (c) flavouring or colouring matter, confectionery, spices and cond im.ents; (16) "Government" means the State Government; (17) "infectious diease" shall have the same meaning as in section 52 of Tamil Nadu 171 193 zheTamil NaduPublic Health ct, 1939 ; (18) "latrine" means a place set apart for defecating or urinating. or both; (19). "municipality" with its grammatical variation means the municipal corporation or the municipality or the town panchayat constituted. or Geemec) to have been constituted. under this Act (20) "municipal area" means the territorial area of the municirality es it notified by the Goverror urzd.er clause (d) of Article 243-F of the Constitutor. , TAMIL NADU GOVERNMENT GAZEITE EXTRAORDINARY (21) 2' municipal office " means the principal office of the municipality ; (22) " nuisance " includes any act, omission, place or thing which causes •dr.' iV.like1Y to cause injury, danger, annoyance or offence to the sense of sight, ameD dr hearing or disturbance to rest or sleep Or wh'ch is or may be dangerous to life or injurious to the healin or property of the public or the peoplV in general who dwe'l or occupy property in the vicinity, OT persons who may have occasion to use public place as a right ; (23) " occupier " includes,— (a) any person for the time being paying or liable to pay to the owner the cent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damaged on account of the occupation of such land, building or part; and (b) a rent-free occupant ; (24) "open space" means any land whether enclosed or not belonging to the Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings and the whole or the remainder of which is used for purpose of recreation, air or light • (25) " ordinary vacancy " means a vacancy occurrng by emux of time and 4' General election " means an election held on the occurrence of an ordinary vacancy ; (26) " owner "

includes— (a) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purpose the rent or profits of the property in connection with which the word is used; and (b) the person for the time being in charge of the animal or vehicle, in connection with which the word is used ; (27) "park" means a piece of land on which there are no buildings or of which not more than one-twentieth part is covered with buildings and the whole or the remainder of which is laid out as a garden with trees, plants or flower-beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light ; (28) "play-field" means a place of land adapted for the purpose of play, game or sport and used by Schools or colleges or clubs; (29) " private street " means any street, road, square, court, alley, passage or riding-path which is not a ' public street " but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises ; (30) " public street " means any street, road, square, court, alley, passage or riding—path over which the public have a right of way, whether a thoroughfare or not, and includes— (a) the roadway over any public bridge or causeway ; (b) the footway attached to any such street, public bridge or causeway and (c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Central or any State Government or Public undertaking; (31) " public water-course, spring well and tank " include those used by the public to such an extent as to give a prescriptive right to such use : (32) " reconstruction of a building includes— (a) the re-erection wholly or partially of any building after more than one-half of its cubical contents has been taken down or burnt down, or has fallen down—whether at one time or not ; (b) the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down or within three metres of the ground adjoining the lowest storey of the building, and or any frame building which has so far been taken down or burnt down or has fallen down to leave only the frame work of the lowest storey; (c) the conversion into a dwelling-house or a place of public worship of any building not originally constructed for human habitation or for public worship, as the use may be, or the conversion into more than one dwelling—house of a "House originally constructed as one dwelling—house only or the conversion of dwelling-house into a factory ; (d) the re-conversion into a dwelling-house of a place of public worship or a factory of any building which has been discontinued as, or appropriated for any than public worship or the case may be ; (33) " Regional Director " means,— (a) in relation to municipality, the Regional Director of Municipal Administration having jurisdiction over the municipality and appointed by the Government ; and (b) in relation to town panchayat, the Assistant Director or Zonal Director of Town Panchayat having jurisdiction over the town panchayat and appointed by the Government ; '—a person is deemed to have his "residence " ' reside ' (34) " residence " or to " reside " in any house or hut if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to Cease to reside in any such house or hut merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house or hut at any time and has not abandoned his intention of returning ; (35) " rubbish " means dust, ashes, broken bricks, mortar, broken glass and refuse of any kind which is not ' solidwaste " ; (36) " salary " means pay and acting pay or payment by way of commission and includes exchange compensation allowances, but not allowances for house-rent, carriage-hire or travelling expenses ; ' sanitary-worker " means a person employed in collecting or removing rubbish or solidwaste or in cleansing drains, latrines, or slaughter-houses or in driving carts used for the removal of rubbish or solidwaste ; shall have the same meaning as defined in the (38) " Scheduled Caste.) Constitution ; shall have the same meaning as defined in the (39) " Scheduled , Constitution ; (40) " solid waste " means— (a) nightsoil and contents of latrines, cesspools and drains ; (b) dung and refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade ; (c) putrid and putrefying substances ; (d) the solid waste discharged from the hospitals ; and (e) such solid waste which are detrimental to public health (41) " Standing Committee " means the Standing Committee referred to in section 36 ; (42) " street-alignment " means a line dividing the land comprised in and forming part of a street from the adjoining land ; (43) " Tamil Nadu State Election Commissioner State Election Commissioner referred to in section 5 ; (44) " Tamil Nadu State Election Commission State Election Commission referred to in section 5 ; means the Tamil Nadu means the Tamil Nadu TAMIL

NADU mVERNME1•rr GAZETTE EXTRAORDINARY (45) " urban local body " or " local authority " means municipal corporation or municipality or . town panchayat, as the case may be : (46) " ward " means the ward of a muni cipal corporation or' municipality or town panchayat as may be notified under section 8; (47) " ward office " means an office established in relation to a wards committee ; ward ofsee of the municipal corporation or municipa ity ; (49) " wards committee meal.s the wards committee referred to in section 36 ; 60) " water-course " includes any river, stream or channel whether natural or artificial ; (51) " year ' means the financial year, CHAPTER 11. CONSTITUTION AND RECONSTITUTION OF MUNICIPALITY, 43 3. (1) The Governor may, by notification, having regard to the population of Constitution c the area, the density of the population therein the percentage of employment in non-agricultural activities, the revenue generated for local administration, the economic importance or such other factors as he deems fit, constitute any local area as,— (a) a " town panchayat " where the population is estimated at not less than twenty thousand and tho annual income of such area is not less than thirty lakhs of rupees ; (b) a " municipality " where the population is estimated at not less than thirty thousand and the annual income of such area is not less than fifty lakhs of rupees ; (c) a " municipal corporation " where the population is estimated at not less than five lakhs and the annual income of such area is not less than thirty crores of rupees. Explanation. I—For the purpose of this section and sections 7, 37, 38 and 39, " population ' means the population as ascertained at tne last pre- ceding census of which the relevant figures have been published by the Central or the State Government. Explanation II—For the purpose of this section "annual inc.•-une" means (he averaoe income of a panchayat constituted under Ille Tamil Nadu Panchayat I ii94 or Oz a municipality for the last three coz's.ecütive years. (2) (a) The Governor n:ay, by notification, declare his intention,— (i) to incTnde within tntmunicipality any local area contiguous thereto and defined in such notification; or (ii) to exclude from the municipality any local area comprisea therein and defined in such notification: Provided that no cantonment shall be included within the municipality, (b) On the publication of the notification under sub-section (l), any person residing within the local area concerned in relation to which any such notification has been published or any municipal council affected by any such notification may sabiYlit objections, in writing, to any officer authorised in this •behalf within forty- five days from the date of publication of such notification. (c) The officer authorised under clause (b) syr'.! consider all such objection'; such t Munidpality , i! Nadu 194. 44 TAMIL NADU GOVERNMENT GAZETTE E,öTRAORDINARY (d) eme Governor may, after considering the objections. and recommenda- tions clause (c) declare,• by notification, the inclusion within, or exclusion fföom, thé municipality, any local area. (e) On publication of the notification under clause (d), this Act shall come into force in, or cease to apply to, any such local area or any portion thereof, as the case may be, on such date as may be specified in the notification under clause (d). (f) The inclusion of any village panchayat in any municipality shall not affect the previous operation of the Tamil Nadu Panchayats Act, 1994, in respect Tamil Nadu of that area and any penalty, forfeiture or punishment incurred, in respect of any Act 21 of 1994, offence committed against the said Act, or any investigation, legal proceedings or remedy in respe-+ Of the said penalty, forfeiture or punishment and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed. person aggrieved against the notification published by the Governor under clause () may prefer an appeal to the High Court within thirty days from the date of publication of such notification. (h) If any local area in which the Tamil Nadu Panchayats Act, 1994 is in Tamil Nadu force, is constituted as or included in a municipality, the Government may pass Act 21 of 1994, such orders as they may deem fit as to the transfer to the municipality or disposal otherwise of the assets, or institutions of any panchayat in the local area and as to the discharge of the liabilities if any, of such panchayat relating to such assets or institu- tions, and as to the transfer or retention of the omcers and servants working in the local area as the case may be, (3) Every municipality constituted or deemed to have been constituted under this Act shall be a body corporate and shall have perpetual succession and a common seal and subject to any restrictions or qualifications imposed by or under this Act or any other law shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or im- movable, or entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted. (4) The Government may, by notification, classify municipalities into various grades for the purpose of effective administration of the said municipalities in accordance with such norms as may be prescribed. Reconstitution of 4. (1) On and from the date of the commencement of this Act,— Cown Panchayats, Municipalities and Municipal (a) the

Town Panchayats and Municipalities constituted under the Tamil Corporations. Nadu District Municipalities Act, 1920 shall be deemed to have been constituted and incorporated under this Act and are hereby declared to be the Town Panchayats and Municipalities as the case may be by their respective names and in their respective areas; (b) (i) the Municipal Corporation of Chennai constituted under the Chennai City Municipal Corporation Act, 1919 ; (ii) the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 ; (iii) the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 ; (iv) the Municipal Corporation of Tiruchirappalli constituted under the Tiruchirappalli City Municipal Corporation Act, 1994 ; (v) the Corporation of Tirunelveli constituted under the TN*-eli Neniēpal Act, 194 • 5 Tamil Act V 1920. Tamil Nad Act of 1919. Tamil N Act 15 of Tamil N Act 25 1981, Tamil N 1994. Tamil Act 28 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 45 (vi). Municipal Corporation of Salem constituted under the Salem City Municipal Corporation Act, 1994 ; shall be deemed to have been constituted and incorporated under this Act and are to be the Municipal Corporations, by names and in their;. resā#tiyēt municipal .ar.ea., (2) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made or issued or imposed ;under ' •the I' Acts referred' to in sub-section (1) in respect of Such municipality which were införöe as iüüüiGuatü•y,» date Of the eo Of Act be in force and bādeemed to have been made, issued or imposed uHdāf the provisions of this Act unless and until it is superseded by any appointment, notification, notice, tax. order, scheme, licence, rule, bylaw or *form. made or issued or imposed under this Act

CHAPTER 111. CONDUCT OF ELECTIONS. direction and control of the preparation of electoral Election to 5. The superintendence, rolls for, and the conduct of, all elections to the municipality, shall be vested in the Municipality, Tamil Nadu State Election Commission consisting of a Tamil Nadu State Election Commissioner to be appointed by the Governor under Article 243-K of the Constitution, 6. (1) Where in connection with the tendering of any opinion to the Governor, Powers of the Tamil Nadu State Election Commission considers it necessary for proper to make • Tamil Nadu an inquiry. and the Commission is satisfied that on the basis of the affidavits filed State and the documents produced in such inquiry by the parties concerned of their own • ' : Election accord, it cannot come to a decisive opinion on the matter which is being inquired Commission. 94. aju. adu qadβi of Nadu Nad Nado ral Act- of 1908. ral Act no of 1860. Central Act 1974 ral Act of 1974. into, the Commission shall have for the purposes of such inquiry, the powers of a civil court, while trying a SL.it under the Code of Civil Procedure, 1908 in respect of the Following matters, namely :— (a) summoning and enforcing the attendance of any person and examining him on oath ; (b) requiring the discovery and production of any or material object produceable as evidence ; (c) receiving evidence on affidavits ; (d) requiring any public record or a copy thereof from any court or office ; (e) issuing commissions for the examination of witnesses or documents (2) The Commission shall also have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, the subject matter of the inquiry. (3) The Commission shall be deemed to be a civil court and when any such offence. as is described in section 175, section 178. section 179, section 180 or section 228 of the Indian Penal Code is committed in •the view or presence of the Commission, The Commission may after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure 1973, forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 Of the Code of Criminal Procedure, 1973. (4) Any proceeding before the Commission shall be deemed to be a Proceeding within the meaning of section 193 and 228 of the Indian Penal Code, Penni 46 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY of total of councillor of municipality. wards . cepazadon electoral 011. General and mid-term • lection , 7, (1) The total number of councillors of the municipality exclusive of its Chairperson shall be fixed by the Director in accordance with the norms prescribed and based on the population in relation to such municipality of the last preceding census of which the relevant figures have been published, (2) The total number of councillors of the municipality shall be fixed under sub-section (i) shall not be altered till next succeeding census figures are published either by the Central or the State Government. 8. (1) For the purpose of the election of the councillors, the commissioner of the municipality shall in consultation with

the Council prepare a draft proposal to: the delimitation of the wards of the municipality and publish the same in such manner as may be prescribed. (2) On publication, any person or association of persons residing or situated within the local area of the municipality concerned may prefer his or its objections to such proposal within thirty days from the date of publication of the draft proposal. (3) On the expiry of the time limit referred to in sub-section (2), the Commissioner shall consider all the objections received, prepare a summary and place the same before the Council for consideration. (4) The Council shall within a period of thirty days from such placement consider at a meeting specially convened, the proposal along with the summary of objections and make its recommendation. (5) On the expiry of the time limit referred to in sub-section (4), the Commissioner shall forward the proposal to the Director, who shall consider the same and either confirm the proposal or where any modification required he shall modify the proposal in accordance with the rules prescribed and direct the Commissioner for publishing the proposal as approved by him. (6) Any modification or revision to the delimitation of wards shall be made once in five years before the general election to the municipality.

9. (1) The electoral roll of the municipality shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of law for the time being in force, in so far as it relates to such municipality and it shall be deemed to be the electoral roll of such municipality for the purposes of this Act and any amendment, by way of inclusion for the purposes of correction of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the date of publication of the election notification by the Tamil Nadu State Election Commission and before the declaration of the result of such election, shall not form part of the electoral roll for such municipal election, (2) The Tamil Nadu State Election Commission may, in special circumstances, direct the Commissioner for preparation of a new municipal electoral roll for the purpose of conducting municipal election to all or one or more municipalities in accordance with the rules.

10. (1) Any general or mid-term election to the Council shall be conducted by the Returning Officer appointed by the Tamil Nadu State Election Commission in accordance with the rules. (2) Unless the Tamil Nadu State Election Commission otherwise directs, no casual vacancy of a councillor or Chairperson shall be filled in cases where the general election for the councillor or Chairperson under sub-section (1) is due within six months, (3) Notwithstanding anything contained in this Act but subject to the provisions of sub-section (2), the Tamil Nadu State Election Commission may for any valid reason direct the postponement or alteration of the date of general or mid-term election or may stop the proceedings of any election. (4) A councillor or Chairperson elected at a mid-term election shall continue upon office forthwith but shall hold office so long only as the councillor or Chairperson in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

GOVERNMENT GAZETTE EXTRAORDINARY

1. Only one councillor shall be elected for each ward in the municipality, No person shall stand for election as a councillor for more than one ward in the municipality : Provided that a person who stands for election as Chairperson shall not be eligible to stand for election as a councillor : Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as Chairperson : Provided also that no councillor shall be eligible to stand for election

Restriction to contest in more than one ward, Central Act - Chairperson, 12. (1) No person shall be qualified for being placed as a councillor or Chairperson— (a) unless his name is included in the electoral roll in any one of the wards of the municipality (b) unless he has completed twenty-one years of age on the date of notification of election notice ; (c) if he is an officer or employee either whole time or part time of the Central or State Government or any local authority, or body corporate owned or controlled by the Central or State Government, remunerated by either salary or fees or honoraria. (2) A person standing for election as a councillor or Chairperson shall have no share or interest, in any contract or employment with, by or on behalf of the municipality. (3) A person standing for election as a councillor or Chairperson must have paid all amount due to the municipality. A person who has been sentenced by a criminal court to imprisonment for life or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned) shall be disqualified for being elected as a councillor or Chairperson while undergoing the sentence and for a further period of five years from the date of the expiration of the sentence. (5) A person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 shall be disqualified for being elected as a councillor or Chairperson for a period of five years from the date of such conviction. (6) , A person shall be disqualified for being

elector as a councillor or Chairperson if such person is,— (a) of unsound mind and has been so declared by the competent court having jurisdiction ; (b) an undischarged insolvent, or an applicant to be adjudicated as an insolvent; (c) directly or indirectly by himself or through his partner or through his family member interested in a subsisting contract made with or for any work, being a shareholder (Other than a director) clause, the expression "family" in relation to a person means wife or husband, as the case may be, of such person and "he sons, daughters in law, unmarried daughters, unmarried sisters, father and mother: Qualification and disqualification for being elected as councillor or Chairperson TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in— (i) any lease, sale or purchase of immovable property or any agreement for the same ; (ii) any agreement for the loan of money or any security for the payment of money only ; (iii) any newspaper in which any advertisement relating to the affairs of the municipality is inserted (iv) any company or association, whether incorporated or not, which contracts with the municipality for lighting or supplying water to any part of the municipality or insuring against fire or any property of the municipality . Provided further that where any contract has been fully performed by the person by whom it has been entered into with the municipality then such contract shall be deemed not to subsist by reason of the fact that the municipality has not performed its part of the contract either wholly or in part , (employed as paid legal practitioner on behalf of the municipality or as legal practitioner against the municipality , (e) a representative office bearer of any association or union representing or purporting to represent, any section of the municipal establishment or any class of employees of the municipality; (j) already a councillor whose term of office as such will not expire before the conduct of fresh election or has already been elected as a councillor whose term of office has not yet commenced; (g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the municipality up to and inclusive of the previous year; (h) disqualified to stand for being elected either as a member of the Legislative Assembly or as a member of Parliament ; (t) a person who having held an office under the Central or State Government or local body has been dismissed from such office for corruption or for disloyalty to the State. (7) A person convicted of an offence punishable under any of the provisions of sections 13 to 26 of this Act or under Chapter IX-A of the Indian Penal Code Central Act XLV of 1948 shall be disqualified for being elected as a councillor or Chairperson, in contravention of secrecy of election. Minimum penalty for personation at an election. Promoting enmity between classes in connection with election. ELECTION OFFENCES. 13, Every officer, clerk, agent or other person performing any duty in connection with the recording or counting of votes at an election who except for some purpose authorised by law, communicates to any person, any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means, procures any such information, shall be punished with imprisonment which may extend to six months or with fine, or with both

14. Notwithstanding anything contained in section 171-F of the Indian Penal Code any person who in connection with an election under this Act commits an offence of personation punishable under that section, shall be punished with imprisonment for a term which shall not be less than six months and not more than two years and with fine

15. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enmity or hatred between different classes of the citizens of India shall be punished with imprisonment for a term which may extend to three years, or with fine or with both. Central Act XLV of 1948 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 16, (1) No person shall convene, hold or attend any public meeting in

any ward during the period of forty eight hours ending with the hour fixed for the conclusion of the poll for any election in that ward. (2) Any person who contravenes the provision of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees. 17. (1) Any person who at a public meeting to which this section applies, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. (2) This section applies to any public meeting of a political character held in any ward between the earliest date for making nomination of candidates for an election and the date on which such election is held. (3) If any police officer reasonably suspects any person of committing an offence under

sub-section (1), he may, if requested so to do by the Chairperson of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasons him of giving a false name or address, the police officer may arrest him without warrant. 18. (1) No person shall print or publish, or cause to be printed or published any election pamphlet or poster, which does not bear on its face the names and address of the printer and the publisher thereof. (2) No person shall print or cause to be printed any election pamphlet or poster,— (a) unless a declaration as to the identity of the publisher thereof signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and (b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer together with one copy of the document to the Commissioner. Explanation.—For the purpose of this section— (a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression printer shall be construed accordingly; and (b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any placard or poster having reference to an election, but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers. (3) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both, 19. (1) No person who is a returning officer, or an assistant returning officer, or a presiding or poll officer or a clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate, 49 Prohibition of public meetings on the day preceding election day and on the election day Disturbance at election meeting Restriction on printing posters Officers at election not to canvass or to influence voters. 20. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts, within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely (a) canvassing for votes; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular candidate; or (d) persuading any elector not to vote the election; or (e) exhibiting any notice or sign (other than an official notice relating to the election), (2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees. (3) An offence punishable under this section shall be cognizable. 21. (1) No person shall, on the date or dates on which a poll is taken at any polling station,— (a) use or operate a megaphone or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, of any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; or (b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station, for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station, (2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine or with both. (3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer arrest him. (4) Any police officer may take such steps, and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such Explanation.—In this section and in section 22, the expression "polling officer" means the polling officer of a polling station or if there is no polling officer at the polling station, the officer in charge of the polling station. TAMIL NADU GOVERNMENT ZETTE EXTRAORDINARY (2) No such person as aforesaid, and a member of a police force, shall endeavour— (a) to persuade any person to give his vote at an election, or (b) to dissuade any person from giving his vote at an election, or (c) to influence the voting of any person at an election in any manner. (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punished with imprisonment for a term which may extend to six months or with fine or with both. 20. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts, within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely (a) canvassing for votes; or (b) soliciting the vote of any elector; or (c) persuading any elector not to vote for any particular candidate; or (d) persuading any elector not to vote the election; or (e) exhibiting any notice or sign (other than an official notice relating to the election), (2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees. (3) An offence punishable under this section shall be cognizable. 21. (1) No person shall, on the date or dates on which a poll is taken at any polling station,— (a) use or operate a megaphone or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, of any apparatus for amplifying or reproducing the human voice, such as megaphone or a loudspeaker; or (b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station, for the poll or so as to interfere with the work of the officers and other persons on duty at the polling station, (2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to three months or with fine or with both. (3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and thereupon the police officer arrest him. (4) Any police officer may take such steps, and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such Explanation.—In this section and in section 22, the expression "polling officer" means the polling officer of a polling station or if there is no polling officer at the polling station, the officer in charge of the polling station. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 22, (1) Any person who during the hours fixed for the

poll at any polling station misconducts himself or fails to obey the lawful directions of the polling officer may be removed from the polling station by the polling officer or by any police officer on duty or by any person authorised in this behalf by such polling officer. (2) The powers conferred under sub-section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station. (3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the polling officer he shall be punished with imprisonment for a term which may extend to three months, or with fine or with both. (4) An offence punishable under sub-section (3) shall be cognizable. 51 Penalty for misconduct at polling station, 23, (1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise or procuring of any vehicle or vessel for the conveyance of any elector (other than the candidate vehicles for himself, the members of his family or his agent) to or from any polling station : conveyance of voter at election. Provided that nothing in this sub-section shall apply to— (a) the hiring of a vehicle or vessel by an elector or several electors at their private costs for the purpose of conveying him or them to or from the polling station, If the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power ; and (b) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to or coming from the polling station. Explanation.—In this sub-section, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise. (2) Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punished with fine which may extend to two hundred and fifty rupees. 24, (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punished with official duty in connection fine which may extend to five hundred rupees. election, (2) No suit or other legal proceeding shall lie against any such person for damage in respect of any such act or omission as aforesaid , (3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidature or the recording or counting of votes at an election, and the expression "official duty" shall, for the purpose of this section, be construed accordingly, but shall not include duties imposed otherwise than by or under this Act. 25. (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both. (2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer : Provided that when it is necessary to cause a woman to be searched the search may be made by another woman with strict regard to decency. Removal of ballot papers from polling station to be an offence, TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 52 (3) Any ballot paper found upon the person arrested on search shall be handed over for safe custody to a police officer by the presiding officer by, or when the search is made by a police officer shall be kept by such officer in safe custody. (4) An offence punishable under sub-section (1) shall be cognizable, Other • offence 26. (1) No person at an election shall— and penalties, (a) fraudulently deface or destroy any nomination paper; or (b) fraudulently deface, destroy or remove any list, notice or other document issued by or under the authority of a returning officer; or, (c) fraudulently deface or destroy any ballot paper or the official mark on any ballot paper ; or (d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or (e) fraudulently put into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or (f) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election ; or (g) fraudulently or without due authority, as the case may be, attempt to do so. If of the foregoing acts or wilfully aid or abet the doing of any such acts. (2) Any person who contravenes the provisions of sub-section (1) shall,— (a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punished with imprisonment for a term which may extend to two

years or with fine or with both ; (b) if he is any other person, be punished with imprisonment for a term which may extend to six months or with fine or with both. (3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act. (4) An offence punishable under clause (b) of sub-section (2) shall be cognizable. 21. 'No court shall take cognizance of any offence punishable under section 19 Prosecution regarding or under section 24 or under clause (a) of sub-section (2) of section 26 except on a certain election complaint in writing, by order of or under authority from the Government. offences. Requisitioning of buildings, vehicles, etc., for election purposes

28. The Tamil Nadu State Election Commission or any officer duly authorised by the Tamil Nadu State Election Commission in this behalf may, in addition to the building belonging to the Central or State Government or the local bodies or educational institutions, • requisition on such buildings or Ivehicles at such rates as it deems fit for the purposes of conducting the elections.TAMIL. NADU

GOVERNMENT GAZETTE EXTRAORDINARY 53 29. The following shall be deemed to be corrupt practices in relation to an election Corrupt Act of 1951. to a municipality for the purposes of this Act (1) "bribery" as defined in clause (1) of section 123 of the Representation of the People Act, 1951. (2) "undue influence" as defined in clause (2) of the said section. (3) The systematic appeal by a candidate or his agent or by any other person to vote or refrain from voting on grounds of caste, race, community or religion or the use of or appeal, to religious symbols or the use of or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election. (4) The publication by a candidate or his agent or by any other person of any statement of fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, in relation to the candidature, or withdrawal from contest of any or candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election. (5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person for the conveyance of an elector (other than the candidate himself and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act : Provided that the hiring of a vehicle or vessel by an elector or by several electors at their costs for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle ' not propelled by mechanical power: Provided further that the use of any public transport vehicle or vessel or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause. Explanation.—In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise. The holding of any election meeting in which intoxicating liquors are served. (7) The issuing of any circular, placard or poster having a reference to election which does not bear the name and address of the printer and Publisher thereof. (8) The action of the candidate in having incurred the election expenditure more than the ceiling prescribed by the Tamil Nadu State Election Commission. specify (9) Any other practice which the Government may, by rules, to be a corrupt practice. DISPUTES REGARDING ELECTIONS, practices. 30: (1) No election of Chairperson or a councillor shall be called in question except by an election petition presented to the Principal District Judge of the district in which the municipality is situated within forty-five days from the date of the publication of the result of the election under this Act. (2) An election petition calling in question any such election may be presented as specified in sub-section (4) by any candidate at such election by any elector of the ward concerned or by a returned candidate individually or jointly 54 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (3) A petitioner under sub-section (2) shall implead all the candidates at the election as respondent to his petition. (4) An election petition,— shall contain a concise statement of the material facts on which (a) the petitioner relies, shall, with sufficient particulars, set forth the ground or grounds on which the election in question is challenged; and shall be signed by the petitioner and verified in the manner laid down in (c) the Code of Civil Procedure, 1908 for the verification of pleadings. Central Act Subject to the provisions of sub-section (2), if the Principal (1) Grounds for de- 31, clarification to

void. Disqualification of Chairperson or Councillor. District Judge after hearing the contesting parties is of opinion that on the date of his election a returned candidate was not qualified or was disqualified to be chosen as councillor or Chairperson under this Act, or that any corrupt practice has been committed by a returned (b) candidate or his agent or by any other person with the consent or connivance of a returned candidate or his agent, or (c) that any nomination paper has been improperly rejected, or (d) that the result of the election, in so far as it concerns a returned candidate has been materially affected — (i) by the improper acceptance of any nomination, or (ii) by any corrupt practice committed in the interest of the returned candidate by a person other than the candidate or by his agent or a person acting with the consent of such candidate, or agent, or (iii) by the improper acceptance or refusal of any vote or reception of any vote which is void, or (iv) by the noncompliance with the provisions of this Act or of any rules or orders made thereunder, the Principal District Judge shall declare the election of the returned candidate to be void. (2) If in the opinion of the Principal District Judge a returned candidate has been guilty by an agent of any corrupt practice, but Principal District Judge is satisfied— (a) that no such corrupt practice was committed at the election by the candidate and every such corrupt practice was committed contrary to the orders and without the consent of the candidate; (b) that the candidate took all reasonable means for preventing the commission of corrupt practice at the election; and (c) that in all other respects the election was free from any corrupt practice the part of the candidate or any of his agents, then the Principal District Judge may decide that the election of the returned candidate is not void. (1) Subject to the provisions of section 35, a councillor or a Chairperson shall cease to hold office as such, if he;— (a) is sentenced by a criminal court to such punishment and for such offence as specified in subsection (4) of section 12; is convicted of an offence punishable under the Protection of Civil Rights Act, 1955, or 1956, TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (c) becomes a person of unsound mind; is an insolvent or applies to be adjudicated as an insolvent; (e) subject to the provisions of sub-section (6) of section 13 acquires any interest directly or indirectly, by himself or through any other person, in any subsisting contract with, or work being done for, the municipality or is being employed as paid legal practitioner on behalf of the municipality; (f) accepts employment as legal practitioner against the municipality; (g) becomes a representative or bearer of any association or union representing the municipality or represents any section of the municipal establishment or any class of employees of the municipality; (h) is disqualified; (i) ceases to reside in the municipality; (j) fails to pay of any kind due by him (other than in a fiduciary capacity) to the municipality after a bill, notice or demand has been served on him by the Commissioner to serve at the earliest possible date; (k) or the Chairperson was elected to such office provided that the deletion of his name from the electoral roll is on his own volition. fails to attend the meetings of the council for a period of three consecutive meetings beginning from the date of the commencement of his term of office or of the last meeting, he attended as the case may be. (2) Notwithstanding anything contained in clause (a) or clause (b) of sub-section (1), the Tamil Nadu State Election Commissioner may direct that such conviction or sentence shall not operate as a disqualification. (3) Where a person ceases to be a councillor or Chairperson under clause (a) or clause (b) of subsection (1), he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration if and when the conviction, sentence or order is annulled on appeal or revision or the disqualification caused by the conviction or sentence or incurred under section 12 is removed by an order of the Tamil Nadu State Election Commissioner, and any person elected to fill the vacancy in the interim period shall on such restoration vacate office, (4) In the case of a person who ceased to be a councillor or Chairperson in consequence of failure to attend meetings, he shall be reported by the Commissioner at the next ordinary meeting and the council may at that meeting restore such person to office: Provided that the council may consider the restoration of office of such person on the application made by him and such a restoration shall not be made for more than twice during his tenure of office.

33. Notwithstanding anything contained in the Oaths Act, 1969 every person who is elected to be a Chairperson or a councillor shall before taking oath or seat, make at a meeting of the council an Oath or affirmation in accordance with the manner prescribed. 34. (t) The Chairperson may

resign his office by giving notice in writing to the Commission shall, after verification, be deemed to have resigned from the date on which it is placed before the Council. (2) The Deputy Chairperson or any councillor other than the Chairperson or any member of the Council may resign. His resignation shall be accepted by the Council. Such resignation shall take effect from the date on which it is accepted by the Chairperson. Oath or affirmation made by Chairperson and councillors. Resignation of Chairperson, councillor and member and Chairperson of Committee. So Decision on TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY. (1) Whenever it is alleged that any person who has been elected as a councillor or whenever any councillor or Chairperson is himself in doubt whether or not he has become so disqualified for office, such councillor or Chairperson or any other councillor may and the Council may refer the matter to the District Judge in which the municipality is situated after making such inquiry as he deems necessary shall determine whether or not such person is disqualified under section 12B section 31 or section 32. Pending the decision under sub-section (2), the councillor or Chairperson shall be entitled to act as if he was not disqualified. (4) (a) Any councillor or Chairperson may and the Commissioner, at the request of the council, or on a direction from the Government shall, appeal to the High Court against any decision under sub-section (2). (b) No such appeal shall be entertained after the expiry of thirty days from the date of the decision appealed from, unless the High Court is satisfied that the appellant had sufficient cause for not preferring the appeal within those days. CHAPTER IV. COUNCIL, COMMITTEE, CHAIRPERSON, COUNCILLOR, COMMISSIONER AND CONSTITUTION OF MUNICIPAL SERVICE

36. For the better performance of the functions of a municipality there shall be the following municipal authorities in the municipality, namely (a) a Council, (b) a Chairperson, (c) Standing Committee, (d) Wards Committee, and (e) a Commissioner. 37. (1) Subject to the provisions of this Act, the municipal administration shall vest in the council and the council shall consist of the following members, namely:— (i) elected councillors, (ii) Chairperson (iii) members of the House of the People and the members of the State Legislative Assembly representing the constituency comprising the whole or any part of the municipality; and (iii) the members of the council of States, who are registered electors within the area of the municipality. Provided that the member referred to in clauses (ii) and (iii) shall be entitled to take part in the proceedings of the council but shall not have the right to vote in any proceedings of the council: Provided further that the members referred to in clauses (i) and (iii) shall cease to be members of the council on the cessation of the office as members of the Legislative Assembly or the members of the Parliament. (2) The term of office of the councillor shall be five years on and from the date notified by the Tamil Nadu State Election Commission for assumption of such TAMIL NADU-GOVERNMENT-GAZETTE EXTRAORDINARY. (3) Seats shall be reserved for the persons belonging to the Scheduled Caste and the Scheduled Tribes in every municipality and the number of seats so reserved bear, as nearly as may be, the same proportion to the total of seats to be filled by direct election in that municipality as the population of the Scheduled Castes in that municipal area or of the Scheduled Tribes in that municipal area bears to the total population of that area. (4) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than, one third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes. (5) Seats shall be reserved for women in the municipality and the number of seats reserved for women shall be not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in the municipality. The seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes under sub-section (3) and for women under sub-section (5) shall be allotted by rotation to different wards in the in such manner as may

be prescribed. (7) The reservation of seats under sub-sections (3) and (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution. 38. (1) (a) The offices of the Mayor of the corporations in this State shall be reserved for the persons belonging to the Scheduled Castes or the Scheduled Tribes and the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices in all the corporations in the State as the population of the Scheduled Castes in all the corporations in the State bears to the total population of all the corporations in the State: Provided that where no office of Mayor can be reserved from the persons belonging to the Scheduled Castes or the Scheduled Tribes based on the total percentage of population of the Scheduled Castes and the Scheduled Tribes in all the corporations, one office of Mayor of a Corporation having the highest of population of the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes out of the total number of offices of Mayor reserved for women under clause (b). (b) The offices of the Mayor in the State shall be reserved for women and the number of offices so reserved for women shall not be less than of the total number of offices of the Mayors in the State: Provided that the offices of the Mayor reserved under this section shall be allotted by rotation to different municipal corporations in the State in such manner as may be prescribed before the general elections to the municipal corporation in the State. (2) The reservation of offices of Mayor under this section shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution. 39. (1) (a) The offices of the Chairperson of the municipalities shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes and the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices in all municipalities in the State as the population of the Scheduled Castes in all the municipalities in the State or the Scheduled Tribes in all the municipalities in the State bears to the total population of all the municipalities in the State. (b) The offices of the Chairperson of the municipalities shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the offices reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes. Reservation of offices of Mayor in Municipal Corporation for members of Scheduled Castes or Scheduled Tribes and for women. Reservation of offices of Chairperson and town panchayat officers and functions of 3 NADU GOVERNMENT GAZETTE EXTRAORDINARY (2) The offices of the Chairperson of the municipalities shall be reserved for women and the number of offices reserved for women shall not be less than one-third, (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of offices of the Chairperson of the municipalities in the State: Provided that the offices of the Chairperson of the municipalities reserved under this section shall be allotted by rotation to different municipalities in such manner as may be prescribed. 6) The reservation of the Chairperson under sub-section (1) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution. 40. (1) The offices of the Chairperson of the town panchayats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the town panchayats in the State or the Scheduled Tribes in all the town panchayats in the State. (b) the offices of the Chairperson of the town panchayats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the persons reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes which shall not be less than one-third of the total number of offices reserved for the Scheduled Castes and the Scheduled Tribes. 6) The offices of the Chairperson of the town panchayats shall be reserved for women and the number of offices reserved for women shall not be less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of offices of the town panchayats in the State: Provided that the offices reserved under sub-sections (4) and (5) shall be allotted by rotation to different town panchayats in such manner as may be prescribed. (5) The reservation of offices of the Chairpersons under (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution. 40, The following shall be the functions of the council,— (i) construction and maintenance of roads, culverts and drains which are under the municipality and those transferred by the Government to the municipality; (ii) execution and maintenance of the supply of water for domestic and commercial purposes; except in the manner in which Where there is a separate authority, to such functions as are assigned; (iii) protection of public ponds and

fountains; (is') maintenance of sewerage and drainage schemes except in the municipality where there is a separate authority to which such functions are assigned; (o') destruction of stray dogs; (VI) municipal control of (v.ii) regulation of sale of meat; fish and other perishable food items and sale of other consumer items; (viii) regulation of dangerous trades or trade practices; (i*) •licensing of eating (k) bus undrained •örpöes of of aima}s, • TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 59 (xi) establishment of public comfort stations, latrine and bathing places; (xii) construction and maintenance of parks, gardens, play grounds and islands in the urban areas; (xiii) opening and maintenance of public burial and burning grounds and, electric crematoria; (xiv) registration of births and deaths; (xv) installation of street lights and their maintenance; (xvi) providing parking places for •ehicles including taxis and autorickshaws; (xvii) public health matters including vaccination and inoculation; (xviii) maintenance of public markets, shopping complexes, • bus stands; • houses; (xix) solid waste management; (ii) prevention or removal of obstructions and projections in or upon streets, bridges and other public places; (xxi) numbering and naming of streets; (xxii) regulation of hoardings and advertisements put up for public view on public or private land (xxiii) civil reception to persons of distinction; and (xxiv) organisation of fairs and exhibitions; (2) The council may carry out any work or perform any of the functions or implement the schemes, delegated to the council, by notification, by the Government; subject to such conditions specified therein in relation to all or any of matters,— (i) urban • planning including town planning; (ii) regulation of land use and construction of buildings; (iii) regulation of slaughter house and tanneries; (iv) planning for economic and social development; (v) fire services; (vi) urban forestry, protection of the environment and promotion of ecological aspects; (vii) safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded; (viii) slum improvement and upgradation; (ix) urban poverty alleviation; (i) promotion of cultural, educational and aesthetic aspects; and (xi) cattle pounds, prevention of cruelty to animals: Provided that no such notification shall be issued without consulting the administrative department concerned with the subject. (3) The council shall also have power— (i) to carry out the powers and functions vested in the Council in accordance with the provisions of this Act } Tamil •N Act 21 1994. Constitution of joint committee, or special committee. Resolution and orders of council. 5 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (ii) to consider all matters placed before the Council and to take appropriate decisions by passing necessary resolution in this regard ; (iii) to consider all the periodical statements of receipts and disbursement and all progress reports and pass such resolutions thereon as it deems fit; (iv) to constitute standing committees; (v) to constitute special committees, if considered necessary; (vi) to delegate to the Chairperson, standing committee, wards committee, or any other committee, such powers as may be provided under this Act subject to such conditions as may be prescribed; and (vii) to prepare economic and development plans every year for the municipality in accordance with the guidelines prescribed and forward such draft plan to the District Planning Committee having jurisdiction over the municipality: Explanation.—For the purpose of this clause, the •District Planning Committee shall mean the District Planning Committee having jurisdiction over the municipality under the Tamil Nadu Panchayats' Act, 1994

41. The Government may, by notification, and with the concurrence of the local authorities concerned, constitute joint committee or special committee comprising such number of members and in such manner and for carrying out such specific functions as may be prescribed.

42. (1) The Commissioner shall give effect to every resolution or order of the council unless such resolution or order is modified, •suspended • or •called in whole or in part by the council or by the Director or by the Government as the case may be. (2) If in the opinion of the Commissioner, any resolution or order •of the council contravenes any provisions of this Act or any other Act or of • any rule, notification, by-law, regulations made or issued under this or any other Act or any order passed by the Government or if there is no provision in the budget of the council authorising the doing of any action contemplated in such resolution or order •of involves expenditure in excess of the amount provided for in the budget of the council, or if there would be any miscarriage of justice in the or •order relating to the municipality, implementation of such resolution he shall refer within a period of not less than seven days from the date of passing such or: order, •the matter to the • Director for orders and inform • the council, of the action taken by him at its next ordinary meeting. The Commissioner shall not give effect to the resolution until the orders of the Director in reference are received. (3) The Director on satisfaction that such resolution or order of •the, council contravenes all or any of the grounds referred to in sub-section (2), may Cancel the

resolution or order: Provided that no resolution or order of the council shall be cancelled by the Director unless the council concerned is given a reasonable opportunity to make any representation within the time stipulated by the Director. Where the Director is of the opinion that in respect of any resolution referred to him under sub-section (1) involves a matter of great public interest or would adversely affect any interest of the Government, he may (or may choose to be recommended in writing, refer the matter to the Government and the decision of the Government thereon shall be final. (5) Where the Collector of the District is satisfied that the execution of a resolution passed by the council other than the resolution passed by the council of any municipal corporation or order of continuance in force of such licence or permission issued by such municipalities other than the municipal corporation likely to cause stagnation of public health or is likely to lead to a riot or affray, he may suspend the resolution, in which case he may be, and report to the Director who may then exercise the powers of the TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY authority or person concerned a reasonable opportunity of being heard either rescind the Collector's order or direct its continuance in force with or without modifications, permanently or for such period, as he deems fit. 43. (1) Any councillor may call the attention of the Commissioner or the Chairperson to any neglect in the execution of municipal work, or to any waste of municipal property or to the basic needs and civic requirements of any locality and may suggest any improvements which he considers desirable. (2) Every councillor shall have the right to interpellate the chairperson in any council meeting on matters connected with the municipal administration subject to such regulation as may be framed by the council. (3) Every councillor shall have access during office hours to the Records of the municipality after giving due notice to the Commissioner: Provided that the Commissioner may for the reasons given in writing forbid such access. The councillor may appeal against such order of the Commissioner to the Chairperson and any person aggrieved by the order of the Chairperson may prefer an appeal to the Director whose decision thereon shall be final. 44. (1) (a) There shall be a Chairperson in every municipality who shall be elected by the persons whose names appear in the electoral rolls relating to the wards of the municipality in accordance with such procedure as may be prescribed. (b) Where at a general or mid-term election, no Chairperson is elected, a fresh election shall be held, (2) The election of the Chairperson may be held ordinarily at the same time and in the same place where the election to the councillors of the wards are held. (3) The term of office of the Chairperson shall be five years on and from the date notified by the Tamil Nadu State Election Commission. (4) A casual vacancy in the office of the Chairperson shall be filled by a fresh election and a person elected as Chairperson in 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. (5) The Chairperson shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councillor of the council. (6) The Chairperson shall be an ex-officio member of every standing committee, wards committee and of other committees except Taxation Appeals Committee or Taxation Appeals Tribunal, as the case may be, but shall not be eligible to be elected as the Chairman of any standing committee or wards committee: Provided that the Chairperson shall not have right to [vote at any meeting of the Standing Committee or any wards Committee]

45. The Chairperson of a municipality shall,— (a) convene and preside over all the meetings of the council; (b) Duties and powers of councillor: Chairperson of municipality. Powers and duties of Chairperson. provided that in the case of election of Deputy Chairperson, the meeting shall be convened and presided over by an officer nominated by the Tamil Nadu State Election Commission; (c) exercise all the powers and perform all the duties conferred or on him under this Act; (d) co-ordinate with the Commissioner and committees constituted under this Act in the manner prescribed; (e) have the power to inspect any municipal work, project or other scheme; (f) exercise such powers in regard to the approval and execution of any work, project, scheme relating to the municipality subject to such limits and procedures as may be prescribed; (g) exercise such powers of the council as may be delegated to him by the council in accordance with such procedure as may be prescribed; and (h) TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (g) carry out such works and perform such duties in regard to any matters which may be entrusted to him by any notification issued by the Government and subject to such terms and conditions as may be imposed in the said notification. 46. (1) There shall be a Deputy Chairperson in every municipality who shall be elected by the councillors of the respective municipality from among themselves person of municipality, Delegation of functions of

Chairperson to councillor in absence of Deputy Chair. person. honoraria, fees, or allowances to chairperson, Deputy Chair. person and councillor. Constitution of wards committee, in accordance with such procedure as may be prescribed. (2) The term of office of the Deputy Chairperson shall be five years on and from the date notified by the Tamil Nadu State Election Commission. The Deputy Chairperson shall be deemed to have vacated his office on cessation of his office as a councillor. (4) The Chairperson may, in writing, delegate of functions vested with the approval of council, subject to such conditions as may be specified therein to the Deputy Chairperson. In the event of the occurrence of any vacancy in the office of the Chairperson—reason of his death, resignation or removal, or otherwise, the Deputy Chairperson shall act as Chairperson until the date on which a new Chairperson is elected in accordance with the provisions of this Act to fill such vacancy and enters upon his office. (4) When the Chairperson is unable to discharge his functions owing to illness or, for any other cause, the Chairperson may, in writing, authorise the Deputy Chairperson to discharge his functions until the date, on which the Chairperson resumes his duties. (b) In case if the Chairperson fails to authorise the Deputy Chairperson; and if the Chairperson continuously absent for more than fifteen days owing to illness or any other reason, and if the Deputy Chairperson devolve the Deputy Chairperson, such as the Chairperson may, in writing, authorise the Deputy Chairperson to discharge his functions until the date, on which the Chairperson resumes his duties. 47. The first meeting of the council or from time to time, the council may meet from among the members of the council, one in the quorum—wherein, the Chairperson and Deputy Chairperson are unable to discharge their functions owing to their absence or illness or away from the headquarters. (1) From of the municipal funds: such honoraria, fees, allowances as may be determined by the Government may be paid to 'Chairperson, Deputy Chair. person' and the councillors. (2) The municipality shall place at the disposal of the Chairperson annually, by way of sumptuary allowance which shall not be more than fifty thousand rupees and different limits may be prescribed for different municipalities. (3) Nothing shall prevent anything from being done in the Act, the receipt by any person of honorarium, fee or allowance as Chairperson, Chairperson or councillors as aforesaid, shall not disqualify him for being elected as, or for being a councillor, Chairperson or Deputy Chairperson. 49. (1.1) These be constituted by the notification, specifying number of wards committees comprising territorial area of the municipality, number of wards as may be specified in the notification within the territorial area of the municipality—lakhs or more and each ward shall consist of TAMIL NADU GOVERNMENT: GAZETTE EXTRAORDINARY 2.63 (2) (a) Each wards committee shall consist of all the councillors elected from the wards which are included in a wards committee, and one of the members elected from among themselves representing such wards committee in such manner as may be prescribed shall be the Chairman of such wards committee. (b) Each wards committee shall have a separate office located within the territorial limits of a wards committee concerned. (c) The staff for each office of the wards committee shall be in accordance with the norms fixed by the Government from time to time. (3) The term of the wards committee and its Chairman and members shall be co-terminus with the term of the council. (4) The Government may, in consultation with the municipality from time to time, alter the name, increase or diminish the area of any wards committee specified in the notification issued under sub-section (1) : Provided that the territorial limits of the wards committee shall not be altered by the Government the expiry of the term of wards and such altered wards committee shall consist of contiguous wards. (1) If, in the opinion of the Government,— (i) the municipality is not competent to perform or make default in performing the duties imposed on it by law or exceeds or abuses its power ; (ii) that the meeting of the council could not be conducted for reasons beyond the control of the Chairperson and the affairs of the municipality could not be carried on in accordance with the provisions of this Act and a report to that effect has been received from the Chairperson by the Government. the Government may, by notification,— (a) dissolve the municipality from a specified date; and (b) direct that the municipality be reconstituted with effect from a date which shall not be later than six months from the date of dissolution, (2) An election to reconstitute the municipality shall be completed before the expiration of a period of six months from the date of its dissolution. (3) Before publishing a notification under sub-s (1) , the Government shall communicate to the council the grounds on which they propose to do so, fix a period of not less than thirty days for the council to show cause against the proposal and consider its explanations

or objections, if any. (4) Nothing contained in sub-section (1) shall affect the office of the Commissioner. (5) On the date fixed for the dissolution of the council under sub-section (1), all its members as well as the Chairperson, the Deputy Chairperson (including councillors who are members of committees established or constituted by or under this Act) shall forthwith be deemed to have vacated their offices and the persons referred to in clauses (ii) and (iii) of sub-section (1) of section 37 shall cease to be represented in the council and fresh elections shall be held in accordance with the provisions of this Act. (6) Dissolution shall take effect from the date specified in the and if no date is specified in the from the date of the notification and thereupon the following consequences shall ensue,- (a) all the members of the council as the elected Deputy Chairperson (including councillors who are members of committees established or constituted by or under this Act) shall forthwith be deemed to have vacated their offices ; (b) all or any of the functions of the council, of the Chairperson and of the committee established or constituted by or under this Act except the Taxation Appeals Committee may, during the period of dissolution, be exercised and performed, as far as may be, and to such extent as the Government may determine, by the Special Officer appointed under section 54 in that behalf. The Government may determine the relations of such person with themselves. before the expiry (7) The Government may reconstitute the Council during the period notified under sub-section (1). (A IV-2 Dimension of Motion of no confidence 'TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (8) All the newly elected councillors of the reconstituted council shall enter upon their offices on the date fixed for its reconstitution and they shall hold offices only for the remainder of the period for which the dissolved municipality would have been under section 37, had it not been dissolved. (9) When the council is dissolved under this section, the Government until the date of the reconstitution thereof and the reconstituted council thereafter shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of dissolution and on the date of the reconstitution, respectively. 51. (1) Subject to the provisions of this section, a motion expressing no confidence against the Deputy Chairperson shall be in writing, signed by such number of elected councillors on date which shall not be less than one third of the total strength of the elected councillors on date and shall be delivered in person by Chairperson or any of the elected councillors, signing the motion, to the Director. (2) The Director shall nominate an officer to convene a special meeting of the council. The officer so nominated shall convene the meeting of the council for consideration of the motion to be held. At the office of the municipality at a time appointed by him which shall not be later than fifteen days from the date of his appointment, He shall give seven clear days notice of such meeting to all the elected councillors on date including Chairperson. (3) The meeting convened for considering a motion under this section shall not be adjourned except for the reasons to be recorded in writing. (4) When the meeting has been convened, the officer presiding over the meeting shall verify whether more than two thirds of the total elected councillors on date are present at the meeting. If more than two thirds of the elected councillors on date are present, he shall read the motion at the meeting. After completion of the reading, the officer shall put the motion to vote. (5) If the motion is carried out by more than two thirds of the total strength of elected councillors on date by giving their approval, then the officer shall declare that the motion has been passed and he shall record in writing the fact that such motion has been carried out by more than two thirds of the total strength of elected councillors on date. The officer shall thereupon forward a report to the Director with a copy of the motion passed by the council forthwith who in turn shall forward the same to the Government. The Government shall within fifteen days from the receipt of such report from the Director, notify the removal of the Deputy Chairperson of the municipality and the Deputy Chairperson shall cease to hold office but shall continue to be a member of the council. (6) If the meeting could not be held for want of quorum referred to in sub-section (4) or if the motion is not carried out by a majority as specified in sub-section (5), the motion shall be deemed to have been lapsed and no notice of any subsequent motion expressing want of confidence on the same Deputy Chairperson shall be entertained until the expiry of six months from the date of such meeting. (7) No motion expressing no confidence against a Deputy Chairperson shall be entertained till the expiry of six months from the date of assumption of office of the Deputy Chairperson or where the term of office of the Deputy Chairperson is less than six months. 52. (1) (a) The councillors consisting of more than one half of the total strength of the elected councillors on date may, present a written representation, signed by them, through any two of them to the Director for removal of Chairperson or any councillor on the ground that the Chairperson or councillor wilfully omits or refuses to carry out or disobey or act in contravention of the provisions of this Act or rules

or byelaws or regulations or orders issued under this Act or abuses his office or any power vested in him.

(b) The Director on receipt of such representation is of opinion that the grounds for removal of Chairperson or councillor are not satisfactory he may, in writing, get the views of the Chairperson or councillor on that representation. On receiving the replies from them If the Director finds the representation baseless, he may inform his decision to the councillors who signed the representation, (c) If the Director is satisfied that the representation given by the councillors have some basis, he shall nominate an officer to convene a special meeting of the council and the officer so nominated shall convene the meeting of the council for consideration of the motion to be held at the office of the municipality at a time appointed by him which shall not be later than one month from the date of his appointment. He shall give seven clear days notice of such meeting to all the elected councillors including Chairperson. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY* (2) The meeting convened for considering the motion under this section shall be adjourned except for the reasons to be recorded in writing. (3) When the meeting has been convened, the officer presided over the meeting shall verify whether three fourth of the total strength of the elected councillors are present at the meeting. If three fourth of the total strength of the elected councillors are on date are present, he shall read the motion at the meeting after completion of the reading, the officer shall put the motion to vote. (4) If the motion is carried out by three fourth of the total strength of the councillors by giving their approval, he shall record in writing the fact that such motion has been carried out by three fourth of the total strength of the councillors on date. The officer shall thereupon forward a report to the Director with a copy of the motion passed by the council forthwith, who in turn shall forward same to the Government. The Government shall within seven days from the receipt of such report from the Director, give the Chairperson or the councillor concerned a reasonable opportunity to make his representation within the period specified in the notice issued by the Government. The Government after considering the representation, if any received may notify the removal of the Chairperson or councillor or allow him to continue as Chairperson or councillors, as he may be. (5) If the meeting could not be held for want of quorum referred to in subsection (3) or if the motion is not carried out by a majority as specified in subsection (4), the motion shall be deemed to have been lapsed and no notice of any subsequent motion shall be entertained until the expiry of six months from the date of such meeting. (6) No motion expressing removal against any officer or councillor shall be till the expiry of six months from the date of assumption of office of the Chairperson or councillor or where the term of office of the Chairperson or councillor is less than six months

53. No act or proceeding of the council or of committee constituted under this Act or of any person acting as Chairperson, Deputy Chairperson or of the council or committee shall be deemed to be invalid or ever to have been invalid by reason only of a defect in the establishment of the council or committee or on the ground that the Chairperson, Deputy Chairperson or any of the council or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or in the service of any notice of meeting of the council or of any committee or by reason of such act having been done during the period of any vacancy in the office of Chairperson or Deputy Chairperson or member of the council or committee.

54. (1) The Government may, by notification, appoint District Collector or any officer not below the rank of a Senior Officer of the Indian Administrative Service as a Special Officer of a municipality to exercise the powers and perform the functions of the municipality in the following circumstances, namely (a) where there is no elected body of a council (b) where a council is dissolved by the Government ; (c) where a new municipality is constituted by amalgamating two or more local bodies : Provided that where one municipality is constituted or reconstituted without amalgamating any other local body, or any portion of the area of a municipality, the elected councillors and Chairperson shall continue as the elected councillors and Chairperson of the new municipality till the expiry of the term of their office : Provided further that the Special Officer appointed under this section shall hold office for a period of six months from the date of his appointment or till the date on which the newly elected councillors assume office whichever is earlier. (2) The Special Officer appointed under sub-section (1) may, if the Government so directs receive for his services from the municipality fund and shall, subject to the control of the Government and the Director and to such instructions or directions as the Government or the Director may issue from time to time, exercise all powers and perform all the duties of the council, the Chairperson and the committees of the municipality and take all such actions as may be required in the interest of the municipality. (3) The

Commissioner shall exercise his powers and perform his functions under this Act, subject to the control and superintendence of the Special Appointed under sub-section (1). 55; (1) The Government may either on their own motion or on an order of the council or the Commissioner to produce any record, plan, statement, Posen of Accounts, statistics or any other document relating to any matter connected with the Government or to furnish any information so as to satisfy themselves as to the conduct and collection of revenue or "Exercise of municipal power; Power of Commissioner of municipality, NADU GOVERNMENT GAZETTE EXTRAORDINARY. (2) That any such proceeding or decision or order passed by the council should be modified, annulled, reversed or remitted for reconsideration they may pass orders. Provided that before passing any order under this section the Government shall give a reasonable opportunity to the council to make a representation against the action proposed to be taken. (3) The Government may also authorise the Director, Regional Director or any other officer to inspect or examine any office or work relating to any municipality or any department thereof and the officer so authorised for such inspection shall exercise all the powers exercisable by the Government under this Act, (3) The District Collector may in any municipality other than municipal. Corporation.— (d) shall furnish any document in the possession or under the control of any Municipality to the Commissioner; (e) shall require the Commissioner to furnish any statement, accounts or statistics; (c) require any Commissioner to furnish any information or report on any municipal; (d) record in writing, for the consideration of the council or Commissioner of a municipality any observation he may think proper in regard to its or his proceedings or duties. (4) If it appears to the District Collector that the Commissioner of a municipality has made default in carrying out any resolution of the council, the said District Collector shall direct the Commissioner to implement the resolution in accordance with the rules in force and on receipt of the reply from the Commissioner, the District Collector shall send a report therein to the Government with a copy of the same to the Commissioner. The District Collector may in case of emergency in a municipality direct or provide for the execution of any work or the doing of any act, which the council or Commissioner is empowered to execute or to do: and the immediate execution or the doing of which is, in his opinion, for the safety of the public and may direct that the expense of executing such work or doing of such act, incurred as the emergency may require shall be paid from municipal fund. APPOINTMENT OF COMMISSIONER AND CONSTITUTION OF MUNICIPAL SERV) CB. 56. (1) There shall be a Commissioner for each municipal corporation and for each municipality who shall be appointed by the Government, (2) There shall be an executive officer for each town panchayat who shall be appointed by the Director or any officer authorised by the Government in this behalf: Provided that the Government may, by an order, delegate the powers exercisable by it under this section to the Director subject to such conditions as, may be specified in the order. 57. (1) Subject to the sanction of the council and subject to all other restrictions, limitations and conditions as may be prescribed or as are in this Act, the executive power for the purpose of carrying out the provisions of this Act shall be vested in the Commissioner. (2) The Commissioner and other officers of a municipality shall perform all the duties and exercise all the powers specially imposed or conferred on the Commissioner or other officers under this Act. (3) The Commissioner shall be responsible for the custody of all the records of the municipality including all papers and documents connected with the proceedings of the council, the standing committee and other committees and shall arrange for the performance of such duties relating to the proceedings of said as they may respectively impose. (4) The Commissioner may delegate any of the powers, duties or functions conferred or imposed upon or vested in him by or under this Act to the holder of any municipal office in accordance with such guidelines as may be prescribed. (5) The Commissioner shall send all correspondence through the Secretary may be prescribed. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (6) The Commissioner shall be the appointing authority for all Class IV posts and to the posts in Classes I and as delegated to him by the Government. (7) The Commissioner may in cases of emergency direct the execution of any work or doing of any act which would ordinarily require the sanction of the Council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund. (8) The Commissioner shall not act under this section in contravention of any order of the council prohibiting the execution of any particular act, and he shall report the action taken under this section and the reasons therefor to the council at its next meeting. (9) The Commissioner may without the sanction of the council, incur petty contingent expenditure incidental to the municipal administration, not exceeding the amount notified by the Government from time to

time : Provided that— (a) provision to meet the expenditure is available under the relevant head in the budget framed by the Council with the modifications, if any; made therein by the Director; and (b) the Commissioner shall report any expenditure incurred and the reasons therefor to the Council at its next meeting, (IO) The Commissioner shall be entitled to take part in the proceedings of the Council or standing committee or any other committees constituted under this Act, but shall not have the right to vote in the proceedings of the Council, standing committee or other committees. 58. (1) The Government may, by notification, constitute common municipal Comitatfon services and frame rules for the employees of the municipalities, namely municipal service. (i) All Municipal Corporations; (ii) All Municipalities; and (iii) All Town Panchayats. Explanation. —For the purposes of this section, the expression "common municipal service" shall include, the method of recruitment, qualification, discipline, leave, pension, other terminal benefits and such other conditions of services as may be prescribed. (2) Notwithstanding anything contained in this Act, or any other law for the time being in force, the Government shall have power,— (a) to transfer any officer or servant of the municipality to the service of any other municipality; (b) to issue general or special direction as they may think necessary for the purpose of giving due effect to any transfer made under clause (a). (1) municipal Shan canic of the following classes others (not being person holding post in a senior class & a Cosetnmønll aa basic grade) appointed under this municipality, 67 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Method of Fixation of cadre Strength and of Class-IV. All persons holding posts in the service classified by the Government in basic service. All appointments to the posts included in Class I shall be made by the Government. (3) All appointments to the posts in Class-IV and to posts in and III as delegated by the Government shall be made by the Commissioner. (4) The Selection Committee referred to in sub-section (5) shall be subject to such rules and guidelines issued by the Government from time to time and IV and all such (5) The Selection Committee shall comprise of the Chairperson, Commissioner and such number of members as may be notified by the Government : Provided that the classifications made in sub-section (1) as Classes-I and II have no application to employees of town panchayats. O. (1) Every appointment to any post included in Classes-I and II shall be made from the list of candidates selected by the Tamil Nadu Public Service Commission (hereinafter in this section referred to as "the Commission") : Provided that no such list shall be prepared by the Commission in regard to the appointment with respect to— (a) any acting or temporary post for a period not exceeding one year, or (b) such posts as may from time to time be specified by the Government in consultation with the Commission; or (c) a post when at the time of such appointment the person to be appointed thereto is in the service of the Central Government or State Government; or (d) a permanent or temporary post, if the person to be appointed is not likely to hold that post for more than one year; or if such person is likely to hold the post for more than one year but not more than three years and the Commission advise that the appointment need not be made from the list prepared by the Commission: Provided further that the appointment to the posts included in Classes-I and II shall also be made by promotion in accordance with such rules as may be prescribed, (2) All the posts specified in Classes III and IV shall be made by the Selection Committee in accordance with such rules as may be prescribed : Provided that the appointment to the posts included in Classes-III and IV shall also be made by promotion in accordance with such rules as may be prescribed. 61, (1) The Director shall fix the cadre strength for all municipalities taking into consideration the financial position of the municipalities and municipal services to be rendered by the municipality to the public, other local conditions and such norms as may be prescribed from time to time: Provided that the total expenditure on the establishment of the municipality shall not exceed forty-five percent of the total income of a year in a municipality. (2) The cadre strength fixed under sub-section (1) shall be reviewed once in every five years. (3) All appointments in a municipality shall be made subject to the cadre strength of posts fixed under this section, (4) Subject to the provisions of sub-section (1) the Director may, on the request of the Commissioner and based on any resolution made in this behalf by the Council, by an order permit the Council to make any appointment in variation to the cadre strength fixed subject to such condition as may be specified in the said order, (5) Notwithstanding the cadre strength fixed by the Director under sub-section (1), the Council may, with the prior approval of the Government, appoint any person on a contract basis for a particular purpose and for a particular period. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY CHAPTER V. FINANCE AND BUDGET, 62, (1) All monies received by a municipality shall constitute a fund which be called the "Municipal Fund" and shall be applied, and

disposed of, in accordance with the provisions of this Act and the rules made thereunder. (2) The receipts which shall be credited to the municipal fund shall include all grants, loans, advances or contributions made by the Government from time to time as may be considered necessary having regard to the recommendation of the Finance Commission, the needs for development and the cost of municipal administration and such other relevant factors as the Government may deem fit. (3) Where a municipality commits default in repayment of any loan or part of the loan due to the Government, such amount may be adjusted from out of amount payable to the municipality by the Government by way of grant. (1) The Government shall appoint auditors for auditing the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed of to be 'public servants' within the meaning of section 21 of the Indian Penal Code, (2) The Government may for any special reason to be recorded in writing by an order cause the accounts of any municipality to be audited by a qualified auditors for one or more years subject to such conditions as may be prescribed, (3) A copy of the audit report shall be placed before the council every year and a copy of such report shall also be sent to the Director within the time limit prescribed, 64, Any expenditure from the municipal fund shall be spent only for such purpose and services within the municipal area authorised under this Act and the rules made thereunder : Provided that the Government may by an order, authorise any expenditure to be incurred by any municipality for any other purpose not provided for in this Act or rules framed thereunder subject to such conditions as may be specified in such order: provided further that the council may incur any expenditure specially sanctioned by the Government : provided also that the expenditure shall be incurred outside the municipal area if such expenditure is required for maintaining the basic services to the municipality

65. Where any expenditure is incurred by the Government or by any other municipality towards any work or purpose, which is authorised by or under this Act, which would benefit the residents of the municipality concerned, the council of such municipality shall make the contribution towards such expenditure in such proportion as may be determined by the Government. (1) The council may, with the previous sanction of the Government and in pursuance of any resolution passed at a special meeting borrow any sum of money,— (i) by way of debentures or by raising loans from any Scheduled or Nationalised Bank or from any other Financial Institutions or Agencies as may be approved by the Government in this behalf, on the security of all or any of the taxes, duties, fees and dues authorised by or under this Act, for the purposes as may be determined by the Government; (ii) by way of raising loan from the public by issue of bonds for incurring specific items of capital expenditure. (2) The Council may, with the previous sanction of the Government, determine the rate of interest and the terms including the date of flotation, the time and method of repayments and the like subject to the approval of the Government. (3) The Council may, for any purpose other than that to which it is applied, pay any amount by a municipality for any special purpose of the municipality to the Government. 7 P 70 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Bom, and of debentures. Maintenance and investment of municipal fund. Priority of payment 67. (1) All debentures issued under this Chapter shall be in such form as the Government may determine and shall therein expressed and the right be transferable in such manner as shall be to be in respect of the monies secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of the debentures being prior in date to others, (2) The payment of debenture or security and the receipt for interest or dividend shall be in such manner as may be prescribed. 68. (1) The municipality shall maintain sinking fund for the repayment of issued and shall pay by quarterly instalment money borrowed on debentures into such sinking fund and such sum as will be sufficient for the payment within the period fixed for the loan of all monies borrowed on debentures issued. (2) All monies paid into the sinking fund shall be invested and applied by the Commissioner in such manner as may be prescribed

67. All payments due from the municipality for interest and on repayment of loans shall be made in priority to all other payments due from the municipality. (1) The Commissioner shall, in consultation with the Chairperson and the members of the committee, prepare in such form as may be prescribed on or before the 1st day of January of each year a budget estimate of the income and expenditure of the municipality for the next financial year and place the same before the council with the approval of the Standing Committee wherever such Standing Committee exists, on or before the 20th day of January of each year. (2) While preparing the budget estimate under sub-section (1), the Commissioner

whether the following Commissioner may append thereto a report services are being provided in a subsidised manner and if so, the extent of the subsidy, the source from which the subsidy was met, and the sections or categories of the local who were the beneficiaries of such subsidy, namely:— (a) water supply and disposal of sewerage ; (b) scavenging, transporting and disposal of wastes; and (c) street lighting: Provided that in any municipality where there are standing committee, the Commissioner shall place the budget estimate before the standing committees concerned for scrutiny of the budget estimate and to offer its remarks. (3) The council shall in a special meeting to be convened for this purpose consider the proposals contained in the budget estimate and approve the same with or without modifications as may be considered necessary on or before the end of February of each year. (4) A copy of the budget estimate as approved by the council shall be forwarded to the Director. (5) (a) If the Commissioner is of the opinion that the budget estimate as approved by the council contravenes any of the provisions of this Act or any rule, notification, by-laws, regulations made or issued under this Act or any order passed by the Government, he shall refer the budget estimate to the Director. (b) The Director shall direct the council to rectify the defects in the budget estimate of the municipality, (c) Where the council fails to rectify the defects as pointed out by the Director, the Commissioner shall give effect to the budget estimate as suggested by the Director. (6) The Commissioner shall make arrangements to publish in one prominent local Tamil newspaper the important features of the budget and the details of the works programmes in accordance with the rules as may be prescribed, not later than 31st day of July of that financial year, TAMIL NADU GOVERNMENT EXTRAORDINARY 71. The council may pass a supplemental budget estimate for the purposes of meeting any special or unforeseen expenditure arising during that financial year and final modification and appropriation in accordance with the rules prescribed. 72, (1) The Finance Commission referred to in Article 243-1 of the Constitution, shall review the financial position of the municipalities and make recommendations to the Governor as to— (a) the principles which should govern, —4 (i) the distribution between the Government and the municipalities of the net proceeds of taxes, duties, and fees leviable by the Government and which are to be apportioned between the municipality and the Government (ii) the distribution of the rates, taxes and fees which may be assigned to or appropriated by the municipality (iii) the grants-in-aid to the municipality from the Consolidated Fund of the State (b) the measures needed to improve the financial position of the municipality; (c) Any other matter referred to the Finance Commission by the Governor in the interest of the public. Of the finances of the municipalities. (2) The Governor shall cause every recommendation made by the Finance Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Tamil Nadu Legislative Assembly. PROPERTY, WORKS, TAXATION, LICENCE AND FEES. PROPERTY AND: WORKS

73. The Council may, with the consent of the Government, accept on behalf of the Municipality any sum of money from individuals or trusts on issuing a receipt the same by the Commissioner ; and purchase of any property. given in for the operations of the municipality and which may bring in revenue and the acceptance of which would not result in any loss to the municipal fund. 14. (1) Any contract for the acquisition of land needed for a public purpose provided for under the Land Acquisition Act, 1894 may be made by the said Act. municipality. (2) The limit of expenditure does not exceed the amount as may be notified by the Government. The Government may notify different monetary limit for different municipality

75. The Government may, with the consent of the Council, transfer to the Municipality the management of any institution or the execution of any work not any work to provided for under this Act and it shall thereupon be lawful for the Council to the municipality undertake such management or execution of such work, subject to such terms and not provided for under the conditions as may be mutually agreed to : Act , 72 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 76, The monetary limit for sanction of any estimate by the authorities of the municipality shall be such as may be prescribed and such monetary limit shall not exceed five crore of rupees. 77. (1) The Council may enter into and perform all such contracts as it may deem necessary or expedient for carrying into effect the provisions of this Act. (2) No contract involving an expenditure exceeding the monetary limit prescribed under section 76 shall be entered into by the authorities of the municipality in accordance with such rule as may be

prescribed. and •osing of vable and novable perties)nging to} uicipality. (3) Every contract entered into by or on behalf of theWouncil shall be entered in to in such manner and in such form as may be prescribed.

(4) The Commissioner shall take sufficient security and solvency, as may be prescribed, for the due perforance of every contract into which be enters, as per the provisions of this section and the rules made thereunder. The security and solvency certificates so obtained shall be under the custody of the Commissioner.

78. (1) The Council may dispose of any moveble property belonging. to a municipality in such manner and subject to such terms and conditions as may be prescribed. (2) No sale of any land or any other immovable property belonging to the municipality shall be made by the Council: Provided that where municipal land or building is required by the Central or State Government for any public purpose, the Council may permit the sale of such land or building. (3) The Council may grant licence to any person for use and occupation of any land or building belonging to the municipality for e period not exceeding three years on payment of fee at such rates and in accordance with such rules as may be prescribed and such licence shall not be extended or renewed after three year period is over. (4) The licence fee referred to in sub-section (3) shall be paid in the following manner, namely (a) in the case of licence granted for a period not exceeding one year the licence fee shall be paid at the time of granting such licence ; (b) in the caw r licence granted for a period not exceeding two years,— (i) the licence fee for the first year shall be paid at the time of granting such licence ; and (ii) the licence fee for the second year shall be the licence fee for the first year with ten percent of such fee and be paid at the beginning of the second year ; (c) in the case of licence granted for a period not exceeding three years, — (i) the licence fee for the first year shall be paid et.the time of granting such licence ; (ii) the licence fee for the second year shall be the li cenc fee for the first year with ten percent of such fee and be paid at the beginning of the second year; and (iii) the licence fee for the third year shall be the licence fee for the second year with fifteen percent of such fee and be paid at the beginning of the third year. -NADIj GÖVÉQNMENTGÄZETIEÆXTRÄORDTNÄRY

79. The Commissioner shall cause to be maintained an assets register which MaintZiance shall contain particularsregarding a]] lands and bl.i]öngs belonging to .the m. nict- of aseu - pality together with names of persons in favcur of whom any licence is granted and register. other details pertaining such to such lk nd' and buildings. An uptodate copy of the list of assets shall be placed annuaUi before the Council ana e copy of such list shall also be kept in the cmce of the Regional Director and Director. TAXATI ON. 80.

(1.) The Council shall have the power to levy the following taxes namely (a) Property tax (b) Water tax ; (c) Sewerage tax ; (d) Education tax ; (e) Advertisement tax ; and (f). a duty on trenffer of pr.iperty. (2) The levy, assessment and collection of taxes mentioned in sub•sectfon (1) shall be in accordance with the provisions of this Act and the rules made thereunder . Taxe. to be '*vied by Council. Tamil Nadu 1978. Provided that the provisions of this section shall not apply in resp ct of clauses (b) and (c) of sub-section (1) to any mt nicipality to which the Chennai Metropolitan Water Supply and Sewerage Act 1978 applies.

(1) For the p: rpose cf imposing a tax under this Act, the Council Procedure 81. shall pass a resolution determining the levy of tax specifying the ra'e at tor imposing which and the date from which such tax shall be levied. taxes. (2) Any proposal to levy or increase the rate of any tax or to effect any change in the mode of levy or the manner of collection, shall be plected before the council and the Council after due consideration shall pass necessary resolution approving or modifying the proposal. (3) The resolution passed by the Council shall be published in such manner as may be prescribed calling for anv obiections and suggesti01 s the tax payers of the mur.icipal lty in regard to the proposed levy, increase or change in the mode of levy or manner of collection within such time as may be prescribed. nsider the (4) On the expiry of the period presci ibed, the Council shall obiections and suggestions received in regard to the proposed : increase or change in the mode of levy or manner of collection and pass necessary resolution appro- ving the proposal .with or without modification.

82. (1) The property tax shall be levied on all buildings and lands within the Levy 08 property tax. municipality. (2) (a) In relation to any building newly constructed or where any addition or alteration has been made to any existing building, the owner or occupier of such buildings ; (b) where the title of any building or land is transferred, such transferee ; (c) in reiation to any building or land, in the of death of the person primal ily liabie to the payment of propety•tax., the person on whom the property is transferred: shall furnish to the commissioner within such date as may be prescribed, a return for such building or land containing such details as may be prescribed for the asscssment or reassessment of the property tax to the said building or land. (3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier

of any building or land shall furnish to the Commissioner within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property tax to such building land. (A IVO Ex. (398)- TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return; the Commissioner or any person authorised by him in this behalf, shall cause an inspection to be made and also to make such local enquiries as may be considered necessary, and based on such inspection and information collected, shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land. (5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return ordered by the Commissioner under sub-section (4) and after considering the objections, if any, received, the Commissioner shall determine the property tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned. (6) In the case of failure to furnish a return under sub-section (2) or under sub-section (3), the Commissioner shall, in addition to the tax determined under sub-section (2) or sub-section (3), direct the owner or occupier of any building or land to pay by way of penalty a sum of rupees two hundred and fifty or five per cent of the property tax determined under sub-section (5), whichever is higher. ; and municipal basic property tax, municipal basic tax, etc., municipal basic property tax, additional basic property tax, etc. (7) For the purpose of assessment of property tax for any building or land in the municipality, the Commissioner or any officer authorised by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose. (8) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said building or land and upon the movable property if any found with it upon such building or land and belonging to the person liable to pay property tax

83. The Government shall prescribe the minimum and the maximum rates of—(a) basic property tax for the building or land having regard to— (i) the existing property tax (ii) the value of the building and land ; and (iii) the use of the building; (b) additional basic property tax for every building With reference to its location ; (c) additional basic property tax for every building with reference to its type of construction ; (d) the concession with regard to age of the building, 84. (1) The basic property tax, the additional basic property tax and the concession, if any, with regard to the age, for every building or land shall be determined by the Council subject to the minimum and maximum rates prescribed by the Government under section 83. (2) The Council shall notify the rates determined under sub-section (1) and such other particulars and in such manner as may be prescribed. (3) (i) (a) The basic property tax for every building shall relate to the carpet area of the building and its usage : Provided that the carpet area of any building shall not include the open space, open court-yard or any other open space which is not enclosed. (b) The classification of the building for the purpose of deciding the usage of any building shall be residential, commercial, industrial or any other classification as may be prescribed. (ii) (a) The additional basic property tax for every building shall relate to location and type of construction of the building. 4 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (b) For the purpose of this clause, the location of the building shall be classified as follows (A) arterial roads, bus-route roads leading to arterial roads and main roads ; (B) bus-route roads other than those specified in item (A) ; (C) roads and streets in primarily residential colonies. (c) The type of construction the building shall be classified into different groups as, (i) thatched or tiled roof ; (A) thatched or tiled roof ; (B) reinforced concrete cement roof ; (C) reinforced concrete cement roof with mosaic or ceramic tiled flooring* (D) granite and marble flooring and walls. (iii) A concession on the basic and additional basic property tax shall be allowed in calculating the property tax having regard to the age of the building In such manner as may be prescribed. 75 85. (1) For the purpose of levy of property tax, every building shall be assessed together with its site and other adjacent premises occupied as an and calculation of appurtenant property tax. (2) The property tax shall be calculated as follows :— (a) Firstly, the basic property tax for a building shall be calculated at the rate fixed by the council. (b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the council and added to the basic property tax so arrived at under clause (a). (c) Thirdly, on the quantum of amount arrived at under clauses (a) and (b), the concession having regard to the age of the building at the rate fixed by the Council shall be deducted and the amount

so arrived at shall be the property tax payable in respect of any building for every half—year and shall be paid by the owner or occupier of such building within the half—year period. Explanation.—For the purpose of this sub-section, the expression "half-year" shall be from the 1st day of April to the 30th day of September or from the 1st day of October to the 31st day of March of the year : Provided that in the case of any Government or railway building a concession shall be allowed in calculating the property tax in such manner as may be prescribed, (3) The Commissioner shall issue a property tax book containing all the details of the building, land and the property tax payable in relation to such building or land in such form as may be prescribed. (4) (a) Where there is any land without any building situated within the municipal limits, the Commissioner shall determine the property tax payable for such land at the rate fixed by the Council. (b) Where there is any land with building situated within the municipal limit, and if the extent of the land left vacant is twice the plinth area of the building, the Commissioner shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the Council: Provided that no property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon, does not exceed two thousand and four hundred square feet. (5) The Council may, subject to such rules as may be made by the Government, by notification, in this behalf exempt any building having a carpet area of one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax, 86. The general revision of the assessment of property tax in relation to the building and land situated within the municipal limit shall be made once in five years. The Commissioner may revise the property tax in accordance with the provisions of this Act, and the rules made thereunder. General revision of property tax. 89 • • exemptions. (a) places set apart for public worship and either actually so used or used for no other purpose ; (b) Choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes ; purpose including hostels attached (c) buildings used for educational purposes and places used for the charitable purpose of maintaining the destitute, the blind and school for the deaf and dumb, or an orphan asylum or the old and (all) women and such similar institutions, run purely on philanthropic lines as are approved by the Council ; (d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904 and such ancient and historical monuments declared by or under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 to be of national importance and also such ancient monuments sites and remains protected under the Tamil Nadu Ancient and Archaeological and Historical Monuments and Archaeological Sites and Remains Act, 1966, or parts thereof as are not used as residential quarters or public office ; (e) charitable hospitals and dispensaries but not including residential quarters attached thereto ; (f) such hospitals and dispensaries maintained by railway administration as may, from time to time, be notified by the Government, but not including residential quarters attached thereto ; (g) burial and burning grounds included in the book kept in the municipal office ; (h) the bed of any river or canal or any river or canal belonging to Government and which do not provide any income to the Government or any Government land set apart for recreational purposes or any other Government property being neither building nor land from which in the opinion of the Government any income could not be derived as may from time to time, be notified by the Government: Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt any building or land from property tax any building or land for which rent or service charge is payable by the person using the same for the purposes referred to in the said clauses, 88. Notwithstanding the exemption granted under section 87B it shall be open to the Council to collect any service charges for providing the civic amenities and in relation to the exempted buildings. Levy and collection of water tax. Levy and collection of sewerage tax. Levy and collection of electricity tax. Levy and collection of advertisement tax for any other general or special services rendered during festive or ceremonious occasions at such rate as may be decided by the council in this behalf

89. The Council may levy water tax at a rate not exceeding thirty five per cent of the property tax as the Council may determine, and collect such tax in such manner as may be prescribed

90. The Council may levy sewerage tax at a rate not exceeding fifteen per cent of the property tax as the council may determine, and collect such tax in such manner as may be prescribed

91. The Council may levy education tax within its area at such rate not exceeding five per cent of the property tax as the council may determine, and collect such tax in such manner, as may be prescribed

92. Every person who erects, exhibits, axes or retains upon or over any land, building, wall, hoardings or structure any advertisement, or who displays any public view in advertisement whatsoever within the municipal limit shall pay on every advertisement placed whether published or not so erected, exhibited, fixed, retained or displayed such sum as may be determined by the Council in such manner as the Council may, in accordance with the rules made under this Act, as may be prescribed: Central Tamil Act 25 1966. tax: TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Provided that the rates shall be subject to the rates that may be prescribed by the Government and different rates may be prescribed for different municipalities taking into consideration the location, the size of the advertisement board, the period and the types of advertisements: Provided further that no tax shall be levied under this section on any advertisement or a notice— (a) of a public meeting: or (b) of an election to the Legislative Assembly, or (c) of a candidature in respect of such an election: Provided also that no such tax shall be levied on advertisement which is not a sky-sign and which— (a) is exhibited within the window of any building; or (b) relates to the trade or business carried on, within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or (c) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or (d) relates to the business of any railway administration; or (e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street, Explanation J. — For the purpose of this section the word "sky-sign" shall include any movable on wheels used as an advertisement or an advertisement medium. Explanation I. — For the purpose of this section, the expression, "sky-sign" means any advertisement supported on or attached to any post, pole, standard, frame-work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of sky-sign which shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard, frame work or other support. The expression shall also include any balloon, parachute or other similar device which is a "sky-sign" employed wholly or in part for the purpose of any advertisement upon or over but not on any land, building or structure or upon or over public place (a) any flag staff, pole, vane or weather-cock, unless adopted or used wholly or in part for the purpose of any advertisement; or (b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking of any wall, or to the ridge of a roof: Provided that such board, frame or other contrivance shall be of one continuous face and not open work, and does not extend in height more than one metre above any part of the wall, or parapet, or ridge to, against or on, it is fixed or supported; or (c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or (d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway, railway yard, station, or station approach belonging to a railway administration, and so 177 78 Prohibition of advertisement. Duty on transfers of property. TAMIL NADU GAZETTE EXTRAORDINARY (e) any notice of land or building to be sold, let placed upon such land or building. Explanation III.—For the purpose of this section, the expression "public place" means any place which is open to the use and enjoyment of the Public whether it is actually used or enjoyed by the public or not, Explanation IV the purpose of this section, the expression "advertisement" shall include any advertisement published in any newspaper

93. No advertisement shall after the levy of tax under section 92 as determined by the Council be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the municipality, or shall be displayed in any manner whatsoever in any place except in accordance with the rules made under this Act. Provided that the Council shall regulate the height of the advertisement in municipal limit and shall remove such objectionable advertisements in such manner as may be prescribed: Provided further that the Government may, by notification, prohibit advertisements in any place within any municipality. 94; , The duty on transfers of property shall be levied— (a) in the form of a surcharge on the duty imposed by the Indian Stamp Act 1899 as in force for the time being in the State of Tamil Nadu on every instrument of the description specified below, which relates to immovable property situated within the limits of the municipality; and (b) in such manner as may be determined by the

Government not to expedite five the: amount • specified. • belbW'äÉ3insg siich instrument Description of 'instruments. • (1) (i) 'Sale of immovable • property (ii) Exchange of immovable property. (iii) Gift immovable property (iv) Mortgage with transfer of possession of immovable property. (v) Lease. in perpetuity of im- movable property. Amount which duty • levied. (2) The market value of property as set forth in the instrument' or as determined by any authority under section 47—A of the Indian Stamp Act, 1899; as the case may be. • The property • geatér • albe'ae • Set forth in the instrument or as determined by any authority under section 47—A of the Indian Stamp Act, 1899 as the case may be. • The amount secured by the mortgage; as set forth in the instrument. An amount equal to one—sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument. Central Tamil Nadu Government Gazette Extraordinary (2) The Government may make rules not inconsistent with this Act for regulating the collection of the duty the payment thereof to the municipality and the deductions of any expenses incurred by the Government in the collection thereof. Act 95, (1) Notwithstanding anything contained in the Indian Act, 1851, 1851, the Council may levy tolls in respect of,— (a) any road or bridge made, improved, repaired solely at the expense of the municipality ; or (b) any road or bridge made, improved or repaired at the expense of any person or body or association of individuals, whether incorporated or not : Provided that the total expenditure incurred on the road or bridge shall not be below such limit, if any, as the Council may, by laws, determine, (2) The tolls shall be levied and collected at such rates and on such period not exceeding the maximum and in accordance with the procedure, as may be prescribed,— (a) in the case of tolls levied under clause (a) of sub-section (1) for the recovery of the amounts expended upon the road or bridge by the municipality ; (b) in the case of tolls levied under clause (b) of sub-section (1) for the recovery of the amount expended upon any road or bridge by the person or body or association of individuals concerned, together with interest thereon at such rate as the Government may fix and such other amount as the Government may specify, 96. No tolls shall be paid for the passage of,— (a) police officers on duty or of any person or vehicle in their custody ; 79 Power of municipality to levy tolls.— Exemption from payment of tolls. (b). vehicles owned or controlled by the Central or State Government including defence vehicles; and (c) any person or class of persons or any vehicle or class of vehicles with person on board, as the Council may, by general or special resolution, specify in this behalf

97. Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or assess escaped leviable under this Chapter has escaped assessment in any half-year or year R'eument. or has been assessed in any half—year or year at a rate lower than the rate at which he is assessable, or in the case of property tax has not been duly assessed in any half-year or year consequent on the building or land concerned having escaped proper assessment at any time within six years assessment the Commissioner may, from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and demanding payment thereof within fifteen days from the date of such service and the provisions of this Act and the rules made thereunder shall so far as may be, apply as if the assessment was made in the half-year or year to which the tax or fee relates. 98, (1) The Commissioner may, on his own motion or on an application made to him, rectify any error apparent on the face of the record : rate of the ! record, A Gout) TV-2 Ex. (398)- 7 80 Levy of fine. -TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Provided that no such rectification which has the effect of enhancing an assessment, shall be made unless such authority has given notice to the assessee and has allowed him a reasonable opportunity of being heard, (2) Where such rectification has the effect of reducing an assessment, the excess amount if any paid by the assessee shall be adjusted towards any tax that may accrue in future, to pay the property tax within the 99. (1) Where person, fails to pay the tax at the time specified, the Commissioner shall impose upon him, by way of fine a sum as fixed by the Council in this behalf in accordance with such rates as may be prescribed* (2) On verification of the return filed by the owner or occupier of the building or land after the issue of the property tax book, the Commissioner may, if he is satisfied that the owner or occupier wilfully filed false return, the Commissioner may cause reassessment of such property and direct the owner or occupier to pay, in addition to the tax assessed by way of fine, a sum which shall be one hundred

per cent of the difference in the tax due: Provided that no fine under this sub-section shall be imposed unless the owner or occupier affected has had a reasonable opportunity of showing cause against such imposition.

Taxation Appeals 100. (1) There shall be a Taxation Appeals Committee for hearing Committee. any person who is and disposing of an appeal preferred by not satisfied with the assessment order made by the Commis\$oner under this Act other than the orders relating to the duty on transfer of property,— (i) for every town panchayat consisting of • the Chairperson of the Council who shall be the Chairman Of the Taxation Appeals Committee and such number of members as may be notified by the Government from among the members of the town panchayat ; (ii) for every municipality, consisting of the Chairperson of the Council who shall also be the Chairman of the Taxation Appeals Committee and four Councillors elected by the Council. (2) The business of the Taxation Appeals Committee shall be transacted in• accordance with the rules made by the Government in this behalf. (3) An appeal against the decision of the Taxation Appeals Committee may be filed within thirty days from the date of the order to the Principal District Judge. (4) No appeal shall be entertained by the Principal District Judge, unless the appellant deposits with the town panchayat or municipality, as the case may be, the entire amount of tax as decided by the Taxation Appeals Committee, and the appellant shall continue to deposit the property tax with the town panchayat or municipality, as the case may be, as decided by the Taxation Appeals Committee till the disposal of the appeal by the Principal District Judge, (5) Where as a result of any order passed in an appeal any amount already deposited is in excess of the tax due, the difference, after deducting the tax due, shall be adjusted towards the tax, and fine due. respect of any other period, by the municipality.

Tuxution Appeals (1) 'Tluerc shall be one or more Taxation Appeals Tribunals (hereafter Tribu nn,l in this section ret•erred to as "the Tribunal") for the corporation for hearing and d tsposing 01' an appeal by any person who is not satisfied with the order by the Conunissioner under this Act other than the orders reluting lo the trans'l'er duty, (2) The Tribunal shall consist of a Judicial Officer who is or has been * (i vil J (Senior Division/Chief Judicial Magistrate). (3) 'The germs und conditions 01' the Tribunal shall be such as may be deter. niined by (he (iovrnn)ent. s.'llnt•y and other allowances payable to the Tribunal shall be borne TAMIL NADU. YQVERNMENT. GAZETTE. EXTRAORDINARY (5) No appeal shall be entertained by the Tribunal unless the appellant deposits with the corporation the entire amour)ts as assessed by the -Commissioner in the revision. (6) (i) Every appeal filed under this section shall be entered in Kiregister maintained for this purpose by the Tribunal. (ii), The Tribunal •shall give to person filing an - appeal "written notice specifying the place, date and time of hearing the appeals, (iii)_ The Tribunal shall dispose ofthe appeal within five months from tke date of 'filing of the appeals. (iv) Any person preferring an appearmay either. •zppeaf in-l,peÆdna Zi" through an authorised agent before the Tribunal. (v) The gist of the order passed iri an âppearshall be recorded in the register which shall be duly attested by the Tribunal and a copy of the order shall be supplied within ten days from the date of passing of the order to the appellânt. (vi) The excess amount of tax •if available in view of the orders of the Tribunal will be adjusted by the Commissioner for the property tax t'o• be collebted in-future. (7) An appeal against the decision of the Taxation Appeals Tribunal may be filed within thirty days from the date of the order to the Principal District Judge, (8) No appeal shall be entertained'by tfe Principal District Judge unless tfie appellant deposits with the corporation the entire ainount of tax as decided by the Tribunal and the appellant shall continue to deposit the property tax with the corporation as decided by the Tribunal till the disposal cf the appeal by the Principal District Judge, (9) Where as a result bf any order passed in appeal; any amötht already deposited is in excess of the tax due, the difference after deducting the" tax due period, shall be adjusted towards the tax and fine due, in respect of any other to the corporation.

LICENCE AND FEES. 102. (1) No person shall carry on any trade or business, in any place whether Grant ot public or private within the municipal limit without a licence granted by the Commi- licence. ssioner subject to such terms and conditions as may be prescribed, Such licence shall be renewed every year. (2). Every application for a licence shall be made to the Commissioner in such form and in such manner and. accompanied by such as :nay be piescribed. (3). On receipt of such application, the Cornnussioner may, after inspecting the pi#e' in which the trade or business is to be carried on, grant the licence or refuse to vant the licence after giving a reasonable obportunity of" being heard:

103. (1) The Council Ina)' determine the licence fee subjeët to such minimum Levy of and maximum rates as may be prescribed having regard to the natur- of tradg. licence fee and issue of licenct or business or any other relevant factors for the grant of IL card. (2) The Council shall review the licence fees fixed for any trade or business once in three years

and shall increase the fee payable in relation to such licence subject to the minimum and maximum rate prescribed by the Government, (3) Every licence shall be issued with a licence card containing all details relating to the said licence and on payment of such fee as may be prescribed. (4) The Commissioner may suspend or cancel any licence if he is satisfied that any of the provisions of this Act or rules made thereunder or the terms and conditions governing to which the licence has been granted, are violated by the licensee.

A Group) Ex. (398)- 7A 82 Government Id market Committees not obtain licence and permission, -rant of .)ene te and :rd, npound ing of ray animals, -icensing of og and pig nd power to ispose of stray 02 and pig, of and TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 104. Nothing in this Act or in any rule, by law or regulation made thereunder the obtaining shall be construed as requiring the taking out of any licence or of any permission under this Act or such rule, bye-law or regulation in respee 01 any place in the occupation or unaer the control of the Governmerat* or the Central establisheo Government or of a market committee established or d eemed to be unc,er the Tamil Nadu Agricultural Proo uce Marketing (Regulation) Act, 1987, 'l a nil Nadu orin respect of any property belonging to the Government or the Central Govern ment Act 27 01 1989, or to such market committee. 105. (1) No person Shail keep or cause to be kept or permii the keeping of such animal or bird, as may be specified by the Government in this behalf, by notification in any municipal area, or part thereof after the expiry of a period of three months from the date of sech notification. except under, and in with the conditions of a licence. (2) Any person desires of obtaining or renewing a licence shall apply to the Commissioner in such form, in such a manner and on payment of such fee,' s may be prescribed. (3) O.n. recc.r't of an application und.er sub-section (2), the Commissioner may., by order, after hold ing such iraquiry as he deems fit, grant or renew the licence or, for reasons to be recorded in writing, refuse to grant or the licence after giving a reasonable opportunity of being heard . 106. (1) No person shall milk or cause or permit to be milked any cow buffalow or other animal in any rublic street or place. (2.) No person shall allow any animal to be strayed in any public street public places. (3) Notwithstand ing anything contained in any other law for the time being in force, the Commissioner may cause to remove and impound an y anilüal being milked or any animal found straying in any public street or other public place in with such rule as may be prescribed; 107. (1) No person shall keeo any dog or pig without a licence granted by. the Commissioner in accordance with such rules as may be prescribed. (2) Any (log or wig found straying in a public street or public place may be" summarily d estroyed by any person authorised io this behalf in writing by the Commissioner. 108. (1) All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets. givate mar kotc (2) Notwithstanding anything contained in any other law for the time Wng: in torce, the Council shall ec,tablish any place to be used as a public market for sale.x or purchase of any commodit ies within the municipal limit and shall collect such* fees from any person using the place so established as a market and, different fees may be collected for different commodities as may be Axed by the Council im accordance with such rules. (3) The Council may, with the sanction of the Government, close any public market. (4) No private market shall be established or administered by any person or:' association of persons or any organisation without any licence granted by then a period and subject to such terms and conditions as may be. preseri bed. (S) Any person or association of persons or any organisation desiring to obtuin ronew u licence to establish or administer any private market upplyto the Commissioner in Ruch form and in such manner and bv sacb, TAMIL NADU GOVERNMENT GAZEHE, EX_IRAORDINARY (6) On receipt of an application under sub-sætion (5), the Commissioner may, by order, after holding such enquiry as he deems fit, grant or renew the licence or for reasons to be recorded in writing refuse to grant or renew the licence after giving a reasonable opportunity of being heard. (7) The Commissioner shall have the power to inspect or cause an inspection to be made by any omcer authorised by him in this behalf and if he is satisned that there is violation of any provisions of this Act or the rules made thereunder or any of the terms and conditions specified in the licence, he may direct, such person to effect any change or to suspend or to close the business either partly or fully : Provided that the Commissioner shall give a reasonable time for complying with such direction. 109. (1) No enclosed place or building shall be used for public resort or enter- tainment within the municipal limit other than ina Corporation limit without a licence issued by the Commissioner in the manner prescribed: Provided that nothing contained in this section shall apply to any church, temple, mosque, or other places of worship, (2) Any person desires of obtaining or renewing of licence shall apply to the Commissioner in such form, in such manner and on payment of such fee, as may be prescribed, (3) On receipt of an application under sub-

section (2) the Commissioner may, by order, after holding such enquiry as he deems fit, grant or renew a licence or for reasons to be recorded in writing refuse to grant or renew the licence after giving a reasonable opportunity of being heard. 83 Licensing of public resort or entertainment, of 1988. 110. (1) The Council may for the convenience of the general public provide Maintenance of and maintain necessary stand and shelter to be used as halting places for vehicles and stand and charge such fee as the Council may fix in accordance with such rules as may be prescribed. shelter for vehicles. (2) No person shall establish or maintain a private stand or shelter for vehicles and collect fees from the public unless he obtains a licence from the Commissioner to do so in accordance with such rules as may be prescribed. Explanation.—For the purpose of this section, the term "vehicle" shall include two-wheeled vehicles also. Collection of (1) The Council may levy charges on every motor vehicle entering into fee on motor 111. municipal areas for any specified period or vehicles entering any pilgrim or tourist resorts in or around pilgrim through out the year, and different rates may be specified for different types of motor vehicles having regard to the local conditions and the services rendered by the or tourist resort. municipality during such period. Explanation.—For the purpose of this section, the expression, "motor vehicles shall have the same meaning as assigned to it under section 2 of the Motor Vehicles Act, 1988. 112. (1) The Council may construct or provide and maintain public wash Provision for houses or places for washing of clothes and may charge such rent for use of such public wash houses, public places in accordance with such rules as may be prescribed. bath rooms, latrines and urinals. (2) The Council shall so far as the funds at its disposal may admit, provide and maintain, in proper and convenient places sufficient number of public bath rooms, latrines and urinals for the use of public and the Commissioner may collect for the use of such places, such fees as may be fixed by the Council in accordance with the rules prescribed. (3) The Commissioner may grant licence to any private person or organisation or establishment for maintenance of any public bath rooms, latrines and urinals belonging to the municipality subject to such terms and conditions as be prescribed, 84 TAMILNADU GOVERNMENT GAZETTE EXTRAORDINARY Slaughter. houses. Revocation or suspension of licence. Appeal. Recovery of amount due to municipality, Write-off of irrecoverable amounts. Vesting of public streets and their appurtenance with municipality. (4) Such private persons or organisations or establishment shall be entitled to collect from the users of such places such fee as may be determined by the Council. (5) The Council may regulate the maintenance of the private bathrooms, latrines and urinals for the use of public in such manner as may be prescribed. 113. (1) The Council shall provide sufficient number of places to be used as slaughter houses and the Commissioner may charge and levy such rent and fees for their use in accordance with such rules as may be prescribed. (2) No person shall establish or maintain or use a private slaughter house or use any place for processing any skin of animals or carcasses without a licence granted by the Commissioner in accordance with such rules as may be prescribed

114. The Commissioner may, for reasons to be recorded in writing, revoke or suspend the licence granted under this chapter when he has reasons to believe that—(a) the licence has been fraudulently obtained; (b) the licence has been used for the purpose other than the purpose for which the licence has been granted; and (c) any condition of the licence has been contravened. 115. (1) Any person aggrieved by the order of the Commissioner in refusing to grant or renew a licence or cancelling or suspending a licence may appeal to the Director within thirty days from the date of receipt of the order appealed against. (2) The appeal shall be in such form and in such manner and accompany with such fee, as may be prescribed. (3) The Director shall have the power to cause inspection and may either grant or withhold the licence or such other order as he thinks fit

116. Without prejudice to institution of any proceedings for an offence under this Act or for the recovery of the entire amount by way of tax, licence, fees, costs, damages, compensation, charges, expenses, rents (not being rents for lands and buildings devised by the Council) or penalty or other sums which under this Act or any rule made hereunder are due or any other amount remaining unpaid, such amount shall be a charge on the properties of such person and shall be recovered, as if, it were an arrear of land revenue. 117. Subject to such restriction and control as may be prescribed, a municipality may write-off of any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable: Provided that where the Commissioner or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a municipality the power to write-off of such tax, fee or amount or any

sum payable in connection therewith, on the ground of its being irrecoverable, shall be exercised by the Director or subject to his control by any officer authorised by him.

CHAPTER -VII. LAND USE AND STREETS.

H8. (1) All public streets with the pavements stones, and other materials thereof, and all works, materials and other things provided for such street, tunnel, sub-way, fly overs, squares, roads, road margins, pathway, culverts, parks, gardens and all other poramboke lands (not being the property of, and kept under the control of the State Government or the Central Government) including the soil, sub-soil and the drains, sewers, culverts, footways, trees, stones and other materials, implements and other things in such streets and other public places, which are situated within a municipal limit shall vest in that municipality.

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (2) The Government may, by notification, withdraw any such street, sewer, drain, street light, drainage work, sub-way, fly-over, tunnel, culvert or tree from the control of the municipality.

(3) The municipality shall maintain all public streets and other places and trees referred to in sub-section (1) and do all things necessary for such purposes including the construction and maintenance of the bridges, causeways, culverts, drains and sewers, and the lighting, watering and scavenging of such streets.

(4) Notwithstanding anything contained in sub-section (2), shall be it lawful for the Council to provide any lighting system in any public place through any agency approved by the Director.

(5) The Council may, acquire any land required for the purpose of widening, opening, extending or otherwise improving any public street or for forming any new public street and for any other purposes connected therewith.

(6) When any building or other structure or any fixture in any form attached to a building causes a projection, encroachment or obstruction over any public street or other public places vested in the municipality, the Commissioner may in accordance with such by-laws made by the Council for this purpose, by a written notice, require the owner or the occupier of the building to remove such encroachment or obstruction.

85 119. (1) No person shall construct any portion of any building within a Restriction street alignment prescribed by by-laws provided however that the Commissioner on erection of, may in his discretion permit additions to a building to be made within a street alignment or addition to, if such additions merely add to the height and rest upon an existing building within or wall, upon the owner of the building executing an agreement binding himself to the street alignment or building and his successors-in-interest—

(a) not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof; and **(b)** to pay the expenses of such removal : Provided that the Commissioner shall, in every case, in which he gives permission, report his reasons in writing to the Council.

(2) If the Commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed by by-laws and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the municipality within three years after the date of such refusal, the municipality shall pay compensation to the owner of the site on an application made by him.

(3) No person shall erect or add to any building between a street alignment and a building line prescribed by by-laws except with the permission of the Commissioner who may when granting permission impose such condition as the Council may lay down for such cases.

120. (1) If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such case as the site or sites may abut on an existing street while public or private street, lay out and make a street or streets giving access to the site or converting land as building sites and connecting with an existing public or private street .

Tamil Nadu Ad Provided that the making of a street or streets shall conform to the plans prepared by the authority under the Tamil Nadu Town and Country Planning Act, 1971, 35 of 1972.

(2) Any person intending to lay cut or make new private shall send to the Commissioner a written application with plans and other details showing the following particulars, namely **(a)** the intended level, direction and width of the street, **(b)** the street alignment and the building line, and

84 TAMILNADU GOVERNMENT GAZETTE EXTRAORDINARY Slaughter-houses. Revocation or suspension of licence. Appeal. Recovery of amount due to municipality. Write-off of irrecoverable amounts. Vesting of public streets and their appurtenance with municipality.

(4) Such private persons or organisation or establishment shall be entitled to collect from the users of such places such fee as may be determined by the Council.

(5) The Council may regulate the maintenance of the private bathrooms, latrines and urinals for the use of public in such manner as may be prescribed.

113. (1) The Council shall provide sufficient number of places to be

used as slaughter houses and the Commissioner may charge and levy such rent and fees for their use in accordance with such rules as may be prescribed. (2) No person shall establish or maintain or use a private slaughter house or use any place for processing any skin of animals or carcasses without a licence granted by the Commissioner in accordance with such rules as may be prescribed

114. The Commissioner may, for reasons to be recorded in writing, revoke or suspend the licence granted under this chapter when he has reasons to believe that—(a) the licence has been fraudulently obtained ; (b) the licence has been used for the purpose other than the purpose for which the licence has been granted; and (c) any condition of the licence has been contravened. 115. (1) Any person aggrieved by the order of the Commissioner in refusing to grant or renew a licence or cancelling or suspending a licence may appeal to the Director within thirty days from the date of receipt of the order appealed against. (2) The appeal shall be in such form and in such manner and accompany with such fee, as may be prescribed. (3) The Director shall have the power to cause inspection and may either grant or withhold the licence or such other order as he thinks fit

116. Without prejudice to institution of any proceedings for an offence under this Act or for the recovery of the entire amount by way of tax, licence, fees, compensation, charges, expenses, rents (not being rents for costs, damages, lands and buildings devised by the Council) or penalty or other sums which under this Act or any rule made hereunder are due or any other amount remaining unpaid, such amount shall be a charge on the properties of such person and shall be recovered, as if, it were an arrear of land revenue.117. Subject to such restriction and control as may be prescribed, a municipality may write-off of any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable: Provided that where the Commissioner or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a municipality the power to write-off of such tax, fee or amount or any sum payable in connection therewith, on the ground of its being irrecoverable, shall be exercised by the Director or subject to his control by any officer authorised by him.

CHAPTER 11. LAND USE AND STREETS. 118, (1) All public streets with the pavements stones, and other materials thereof, and all works, materials and other things provided for such street, tunnel, sub-way, flyovers, squares, roads, road margins, pathway, culverts, parks, gardens and all other poramboke lands (not being the property of, and kept under the control of the State Government or the Central Government) including the soil, sub-soil and the drains, sewers, culverts, footways, trees, stones and other materials, implements and other things in such streets and other public places, which are situated within a municipal limit shall vest in that municipality. TAMIL NADU GAZETTE EXTRAORDINARY Nadu or the Tamil Nadu Slum Clearance Board under the Tamil Nadu Slum 11 Of 1971 Areas (Improvement and Clearance) Act, 1971 with provision for streets, play grounds, parks or any other public amenities such streets and places shall be handed over to the Municipality for maintenance by the residents in that area subject to the prior payment of development charges by the residents of that housing complex as may be prescribed. 87 123. (1) The Commissioner may grant licence for any person or any Power of Commission authority to put up any temporary closure or structure of temporary nature in any street or public place for conducting any function or activity of a public nature or for grant licence any other special reasons to be recorded in writing and subject to such terms and for temporary conditions and on payment of such fees as may be prescribed. closure in public places and to Control Act (2) The Commissioner may grant a licence, subject to such condition and restrictions as may think fit, for the temporary erection of pandals and other structures in a public street vested in the Council or in any other public place the control of which is vested in the Council- (3) The Commissioner, subject to approval of the Council, may grant a licence subject to such conditions and restrictions as it may think fit to the owner of sunshades, or occupier of any premises to put up verandas, balconies, in which weather frames and the like, to project over a street; or in street, construction of arcades has been sanctioned by the council, to put up an arcade or to construct any step of drain-covering necessary for access to the premises. (4) The Council may grant licence for use of the road sides and street margins vested in the municipality on such terms and conditions and for such period as may be prescribed : Provided that neither a licence under sub-section (1), (2) and (3) nor a licence under sub-section (4) shall be granted if the projection, construction or occupation is likely to be injurious to the health or cause public inconvenience or otherwise materially interfere with the use of the road as such, (5) On the expiry of any period for which a licence has been granted under this section, the

Commissioner may, without notice, cause any projection or construction put up under sub-sections (1), (2) and (3) to be removed, and the cost of so doing shall be recoverable in the manner prescribed, 124. The municipality shall maintain in a clean and proper condition all parks, play-fields and open spaces belonging to or, vested in it or the Government, in such manner as may be prescribed. 125, (1) In the case of parks and play-fields not vested in the municipality or the Government, the Commissioner may, by notice require the owner or person or authority in of such park or play field to maintain such park or play-field in a clean and proper condition, in such manner as may be prescribed. (2) If the owner or person or authority in occupation fails to comply with the notice under sub-section (1) the Commissioner shall himself arrange to maintain such park or play field in a clean and proper condition and the cost of such maintenance, shall be recoverable from the owner or person or authority in occupation in such manner as may be prescribed. (3) The Council may, with the prior approval of the Government, UT, or in addition to, taking action as indicated in sub-section (2), proceed to acquire any land under the Land Acquisition Act, 1894 for the purpose of effective management of such land as a park or playfield. It may allow certain projection and erection. Maintenance of parks, play fields and open spaces. Obligation of owner of park, play-fields, etc.. 88 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (4) Any owner or person or authority in occupation of a play-field desiring to convert the play-field, to any use other than as a play-field, may give notice to the person or authority who or which uses such play-field, or to Council within whose jurisdiction the play-field is situated, to purchase his or its rights in the play-field. If such person or authority or Council does not agree to purchase his or its rights, he or it may, with the prior approval of the Government, in such manner as may be prescribed, put it to such use as he or it desires. Publication of list 126. The Council shall, once in five years, publish a list of all the parks, of Parks, play-fields and open spaces. planting and preservation Of avenues. Power to remove encroachment from public place. Naming and numbering of streets and buildings play-fields and open spaces situated within the municipal area, in such manner as may be prescribed, 127. (1) The Council shall, at the cost of the municipal fund cause trees to be planted at all convenient places on the sides of all public Streets and municipal and make adequate arrangements to preserve such trees. (2). The Council may grant licence every year for the collection of usufructs of roadside trees maintained by the municipality in such manner as may be prescribed 128. • (1) The Commissioner may,— (a) remove without any notice any movable temporary structure, enclosure, stall, booth, any article whatsoever hawked exposed or displayed for sale or any other thing whatsoever by way of encroaching street or public place or the land belonging to the departments of the Central or State Government within the municipal limit - (b) remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the belonging to the departments of the Central or State Governments within the municipal limit, after issuing a show cause notice for such removal, returnable within a period of seven days from the date of receipt thereof : Provided that the Commissioner shall consider any representation received within the time limit, before passing final orders. (2) . whoever makes any encroachment in any land or space (not being private property) in any public street or any land belonging to the departments of the Central or State Governments within the municipal limit, shall be punished with imprisonment which shall not be less than one year but which may extend to three years and with fine which may extend to twenty thousand rupees : Provided that the court may for any adequate or special reasons be exempted from imposing a sentence of imprisonment for a term of less than one year, 129. (1) The Council shall with the approval of Government give names or numbers to new public streets, any new colony of houses, park, playground, or other, new municipal property and may alter the name or numbers. 130. any public street, Bark, playground, bus stand, arch or municipal property. 131. The Council may, as may be prescribed. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (2) The name and number streets shall be painted in Tamil and English and conspicuously displayed in such street. (3) No person shall without lawful authority, destroy, pull down or deface any such name or number or put up any name or number different from that put up by the municipality, (4) The Commissioner may cause to assign numbers to all buildings situated within the municipality. Such numbers shall be displayed at the outer door of any building or in any conspicuous place at the front of such building. (5) If any new building is constructed where a number has already been assigned, the Commissioner shall renumber such new buildings in such manner as may be prescribed. (6) The numbers assigned to the buildings in a municipality shall be reviewed and new numbers shall be assigned wherever necessary before the

commencement of the preliminary work for a census operation. (7) When a number has been affixed under sub—section (4), the owner of the building shall be bound to maintain such number and it removed or defaced and if the owner fails to replace it the Commissioner may by notice require him to replace it. 130.

(1) Subject to the approval of the Council, the Commissioner may reserve Collection of any portion of a public street or public place, and declare it as a parking area and fee on collect parking fees from the owners of the vehicles at such rate for such period and in such manner as may be prescribed. vehicles. (2.) The Commissioner may grant licence to any private person or organisation or establishment for collecting parking fee in such manner as may be prescribed. 131 , (1) Subject to the provisions of the Tamil Nadu Open Places (Prevention of Obstruction) Act 2 of 1959. (A Group of Disfigurement) Act, 1959 and sections 92 and 93 of this Act or any other law for the time being in force, the Commissioner may, with the sanction of the Council, set up for the exhibition of advertisements, hoarding, erection or other things in suitable places owned by or vested in the municipality or Government and may permit any person to use any such hoarding, erection or thing on payment of such fee as may be prescribed : Provided that where the hoarding, erection or other thing are set up in the places owned by or vested in the municipality shall remit the fee collected for such hoarding, erection or other thing, to the Government, after retaining a portion of such fee, as may be prescribed, by the Council to set up hoarding in road and levy fees. 99

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Explanation I.—For the purposes of this section and 92, the person who has been permitted to use any hoarding, erection or thing under this section shall be deemed to be the owner or the person in occupation of such hoarding, erection or thing. Explanation II.—For the removal of doubts, it is hereby declared that any fees payable by any person who has been permitted to use any hoarding, erection or thing under this section shall, be in addition to the advertisement tax I, payable by him under section 92 on advertisements exhibited by him on such hoarding, erection or thing, (2) No hoarding shall be erected in a municipal limit by any person without obtaining a licence from the Commissioner. (3) (a) Every application for licence under this section shall be made to the Commissioner in such form containing such particulars and with such fee, as may be prescribed, (b) The commissioner may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed. (c) • The Commissioner may refuse to grant licence for reasons to be recorded in writing : Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation. (d) Every licence granted under clause (b) shall be valid for such period as may be prescribed and may be renewed from time to time. (4) (a, Without prejudice to any other penalty to which the licensee may be liable the Commissioner may, at any time, by order in writing, cancel or suspend any licence granted or renewed if — (i) such licence has been obtained by fraud, misrepresentation or suppression of material particulars, or (ii) the licensee has contravened any of the provisions of this section or the rules made thereunder or any of the conditions, subject to the licence was granted. (b) Before cancelling or suspending a licence under this Section, the Commissioner shall give the licensee, an opportunity of making his representation. (5) Any hoarding erected without a licence shall be confiscated and removed by the Commissioner without giving any notice. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY A Group) Where any hoarding is retained after the expiry of the licence or erected contrary to the conditions of licence, the Commissioner may by notice in writing, require the licensee to remove such hoarding within such time as may be prescribed. (b) Where the hoarding is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue. (7) Nothing contained in this section shall apply to hoarding on which is exhibited any advertisement which relates to,— (i) the trade or business carried on within the land or building upon or over which such hoarding is erected or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in such land or building; or (ii) the name of the land or building upon or over which the hoarding is erected or to the name of the owner or occupier of such land or building: Provided that the exemption under this section shall be subject to such size and nature of the hoarding, as may be prescribed. (8) (a) Any person aggrieved by the order of the Commissioner in refusing to grant or renew a licence or cancelling or suspending a licence under this section may appeal to the Director within thirty days from the date of receipt of the order appealed against, (b) The appeal shall be in such form and in such manner and accompany with such fee, as may be prescribed. (c) On receipt of such appeal, the Director may after making such inquiry as may be necessary

and giving a reasonable opportunity to the appellant to be heard, pass such order as he thinks fit. (9) Whoever contravenes any of the provisions of this section or any rule or order made thereunder or obstructs lawful exercise of any power conferred by or under this section shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both, Explanation.— For the purpose of sub-sections (2) (9), having means any screen or boards at any place whether public or private used or intended to be used for exhibiting advertisement including the frame—work or other—support. •erected• wholly or in part upon or over any land, building and wall or structure. visible to public wholly partly, VI-2 Ex. 92 NADU GOVERNMENT GAZETTE EXTRAORDINARY CHAPTER VIII. BUILDING REGULATIONS. PART—I. BUILDING REGULATIONS IN AREAS OTHER THAN HILL STATIONS

132. This Part shall apply to all municipalities situated in the State other than Application of the part. to or reconstruct these areas notified under part 11 of this chapter. 133. (1) Any building constructed within the municipal area shall be in accordance with the building rules framed by the Government for this purpose. While framing such building rules, the Government shall have due regard to the land use, the density of population, development schemes to be carried out in such areas, environmental situation and such other factors as the Government may consider relevant. (2) If any person intends to construct or reconstruct a building, he shall send to the Commissioner— (a) an application in writing for approval of the site together with a site-plan of the land, and (b) an application in writing for permission to execute the work, together with a ground plan, elevations and sections of the building and a specification of the work. (3) Every document furnished under sub-section (2) shall contain such particulars and be prepared in such manner as may be prescribed (4) The Commissioner shall not grant permission to construct or reconstruct a building unless and until he has approved the site on 35 of 1972, an application made under sub-sections (2) and (3) and in accordance with the provisions contained in the Tamil Nadu Town and Country Planning Act, 1971. (5) The construction or reconstruction of a building shall not begin unless and until the Commissioner has granted permission for the execution of the work. (6) On receipt of an application the Commissioner shall after verifying the correctness of the particulars furnished in application, satisfying himself that the proposed building construction is in accordance with the provisions of this Act and the rules made thereunder, grant the permission within thirty days from the date of receipt of the application, (7) Where the Commissioner is of the opinion that the application received is incomplete or does not contain necessary particulars required under the rules, he may return the application for furnishing the required particulars as required by the notice of return by the Commissioner. (8) Where no permission has been granted and where the application has been returned for rectifying the defects for furnishing any other particulars, applicant may file a copy of the building application together with the details to the Council within one month from the date of expiry of the time limit for grant of permission referred to in sub-section (6). (9) Applications so received by the Council shall be taken into consideration at the regular meeting of the Council and the Council shall advise the Commissioner appropriate orders on merits within the time limit specified by the Council. (10) Any person objecting to an order passed by the Commissioner under section (9) may, within a period of forty—five days from the date of receipt of the order prefer an appeal to the Government in such form and manner as may be prescribed : TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Provided that the Government may, if it is satisfied that the petitioner had sufficient cause for not preferring the appeal within such period admit the appeal petition preferred after expiration of the said period. (11) The Government may after considering the grounds of appeal either confirm or set aside, cancel or in any way modify the order of the Commissioner : shall be passed Provided that no order prejudicial to the appellant without giving him an opportunity of being heard. 93 for 134. Where the construction, reconstruction or modification of any building is commenced or completed in contravention of the provisions of this Act or the authorised rules made thereunder, the owner shall be liable, by way of penalty, to pay a sum ;onstruction. which shall not exceed ten thousand rupees and in case of a continuing contravention, such further sum which shall not exceed fifty rupees per square contravention, such further sum which shall not exceed every day during which the contravention continues. (1) Where the construction, reconstruction or modification of any building is commenced or completed without any permission duly granted by the authority or where such construction, reconstruction or modification has been made otherwise than in accordance with the provisions of this Act and the rules made thereunder, or in violation of the

conditions of any permission, the Commissioner may issue a notice to the owner or occupier or any person who is in charge of the construction directing him to regulate the construction of such building in accordance with the rules and conditions imposed in the notice within a period of fifteen days from the date of receipt of such notice. (2) On the issue of such notice, the owner or the occupier or the person in charge of the construction shall stop the construction forthwith and apply to the Commissioner for regularisation of the construction in accordance with the rules and conditions specified in the notice issued under sub-section (1) within the time stipulated in the notice. (3) Where any such application is so made, the Commissioner may after scrutiny of such application in the prescribed form received together with any plan, and after satisfying himself that the construction work is in accordance with the rules, he may grant the permission after collecting necessary fee and the penalty prescribed. (4) Where the Commissioner on scrutiny of such application is of the opinion that the construction work which is in progress or the construction which has been completed or the construction work as proposed in the plan, is in deviation of the provision of this Act, or the rules framed thereunder, he may issue another notice to the persons concerned to cause necessary modification by way of removing any existing structure or by making necessary alterations within the period specified provided that the Commissioner may on receipt of an application after inspection the work may grant an extension of time not exceeding the period prescribed if he satisfies that the applicant had sufficient cause for not carrying out the orders of the Commissioner within the said period. (5) Where the orders of the Commissioner have been complied within the period of the extended period, the Commissioner may after satisfying himself, collect the Necessary fee together with penalty prescribed and grant necessary building permission. (6) If in any case where no action has been taken in pursuance of any notice issued by the Commissioner under sub-section (4) for removal or alteration or modification of any unauthorised construction within the time limit referred to in the said sub-section, the Commissioner may remove or demolish unauthorised construction. The cost of expenditure incurred by the municipality towards Powers of Commissioner to remove or demolish unauthorised construction. The cost of removal or demolition shall be recovered from the person concerned.

136. (1) Where it appears, to the Commissioner at any time that any building is in a ruinous condition or is in any way unfit for human habitation or removal of over crowding in a building, he may by an order in writing require the dangerous buildings, trees owner or the occupier of such to vacate, demolish, remove such building etc. Clearing of debris of fallen house*, occupiers. of this part, Prohibition of construction or reconstruction of buildings, etc. without licence. Within the time limit specified in the said order. (2) It appears, to the Commissioner in any way that any building is in a ruinous condition or is in any way unfit for human habitation or removal of over crowding in a building, he may by order in writing require the dangerous buildings, trees owner or the occupier of such to vacate, demolish, remove such building forthwith. (3) Where the owner or occupier of the building does not comply with the order issued under this section, the Commissioner shall take such step in relation to the building or tree as may be necessary to prevent any occurrence or danger therefrom. (4) All expenses incurred by the Commissioner, in relation to any building or tree under this section shall be recoverable from the owner or the occupier thereof, as the case may be, as arrears of land revenue.

137. If any obstruction is caused in any street by the fall of trees, structures or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the Commissioner may by notice allow, clear the street of such obstruction.

PART-11. BUILDING REGULATION IN HILL STATIONS. [38. This part shall apply only to hill areas notified by the Government from time to time. 139. (1) No person other than the Central or State Government or local authority shall— (a) construct or reconstruct a building on any land; or (b) put to use any agricultural land to any non-agricultural purpose; or (c) carry out any engineering, mining or other allied operations on any land within the area of the hill station without a licence granted by the Government and except in accordance with the terms and conditions specified in such licence. Explanation.—For the purpose of the provisions of this part, "agriculture" includes, horticulture, fruit growing, seed growing plantation, animal husbandry (including livestock), pisciculture, sericulture and agricultural shall be construed accordingly. (2) (a) When any department of the Central Government or State Government or any local authority proposes to carry out any construction or reconstruction of building on any land or put to use any agricultural land to non-agricultural purpose or carry out any engineering, mining or other allied operations on any land within the area of the hill station, the department shall inform, in writing, the Committee for Architectural and Aesthetic Aspects constituted under section 140 (hereinafter in this part referred to as the Committee) the intention to do so, giving full particulars thereon

and accompanied by such plans and documents at least three months before commencing such (b) Where the Committee raises any objection to the proposed construction, reconstruction or putting to use any agricultural land to 'non-agricultural purpose or the carrying out of any engineering, mining or other allied operations on the ground TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY that such proposal is not in conformity with the provisions of this part or of the rules made thereunder or for any other material consideration, the officers of Central Government or the State Government or any local authority, as the case may be, shall— (i) either make necessary modifications in the proposed construction or reconstruction of building or putting to use any agricultural land to non-agricultural purposes or the carrying out of any engineering, mining or other allied operations to meet the objection raised by the Committee; or (ii) submit such proposal together with the objections raised by the Committee to the Government for approval. (c) The Government on receipt of such proposal together with the objection of the Committee shall in consultation with the Committee, either approve the proposal with or without modification or direct the officer to make such modification in the proposal as they consider necessary in the and the officer concerned shall be bound to make such modifications as proposed by the Government.

140. (1) Every application for a licence under section 139 shall be in such form, containing such particulars and be accompanied by such plans and fee as may be prescribed and shall be submitted to the Commissioner. (2) On receipt of an application, the Commissioner shall, within such time as may be prescribed, examine the application with to such building rules as may be prescribed for the purpose of this part and forward the same to the Committee, (3) (a) For the purpose of this part, the Government may constitute a Committee called the Committee for Architectural and Aesthetic Aspect for all the hill stations in District with such number of officials and non-officials and having such qualifications as may be prescribed. (b) The term of office of the non-official members of the Committee and other matters relating to the conduct of the meeting of the said Committee including the allowances payable to the non-official members shall be such as may be prescribed. (4) The Committee shall examine every application and the Commissioner in all aspects with particular reference to the matters prescribed for grant of licence under this part and forward the same to the Government with its remarks. Application for licence

141. On receipt of an application from the Committee with its remarks, the Grant of if satisfied that the grant of a licence will not result in the deterioration of scenic beauty or destruction of the environment and ecosystem of the hill station, may, grant a licence subject to such terms and conditions as they may think fit to impose, or refuse to grant a licence: Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation.

142. (1) Notwithstanding anything contained in sections 139, 140, 141 and 150, the Commissioner shall, on receipt of an application under sub-section (1) of section 140 for construction or reconstruction of any residential building on any land within the area of the hill station having plinth area,— (a) not exceeding two hundred and fifty square metres in the ground floor; or (b) not exceeding two hundred and fifty square metres in the ground floor and in the first floor in the aggregate; or Grant of licence by the Commissioner in certain cases 96 TAMIL NADU GOVERNMENT GAZETTE (JALLI) (c) in the case of improvement or enlargement of an existing residential building, the construction of which does not exceed two hundred and fifty square metres, including first floor, in the aggregate, reference to building rules application with examine such prescribed for the purpose of this part and if he is satisfied that the grant of a licence will not result in the deterioration of scenic beauty or destruction of the environment and ecosystem of the hill stations he may grant a licence subject to such terms and conditions as he may think fit to impose, or refuse to grant a licence: Provided that the licence shall not be refused unless the applicant has been given an opportunity of making his representation. (2) (a) Any person aggrieved by an order of the Commissioner under sub-section (1) may, within a period of sixty days from the date on which a copy of the order was communicated to him, prefer an appeal to the Government, in such form, in such manner and with such fee, as may be prescribed. (b) On receipt of an appeal under this sub-section, the Government shall, after giving the appellant an opportunity of being heard, pass such orders thereon as they deem fit. (c) Every order passed by the Government under this sub-section shall be final. 143. (1) The Government or the Commissioner may at any time, cancel or suspend licence. Power to cancel or suspend licence. Period of licence. Power to stop work, pending any licence granted under section 141 or section 142 as the case may be, if— (a) such licence has been obtained by fraud, misrepresentation or suppression of material particulars; or (b) the holder of the licence has contravened any of the provisions

of this Act and in particular the provisions of this part or any rules made thereunder or any of the terms and conditions subject to which the licence was granted. (2) Before cancelling or suspending a licence under sub-section (1), the Government or the Commissioner, as the case may be, shall give the holder of the licence, an opportunity of making his representation

144. Every licence under section 141 or section 142 shall be valid for a period of one year from the date on which it is granted and if the construction or reconstruction of building or the user of agricultural land for purpose, or the engineering, mining or other allied operations for which the licence is is not within the ; + , + after unless the Government or the Commissioner, as the case may be, on application made therefor has extended the period of licence. 145. (1) The Government or the Commissioner, as the case may be, may, at any time by notice in writing, direct the owner, lessor or occupier of any land in a hill station,— (a) to stop the construction or reconstruction of any building or such land; or (b) to the user of any building or land for any purpose; or (c) to alter or demolish, within such time as may be specified in the notice, any building or any part thereof; or (d) to stop the use of any agricultural land for non-agricultural purpose; or (e) to stop the building, engineering, mining or other allied operations; If in the opinion of the Government or the Commissioner as the case may be, the construction or reconstruction of the building or part thereof, the user of the building or land or the user of any agricultural land for non-agricultural purpose or the carrying out of the building, engineering, mining or other allied operations is in contravention of any of the provisions of this Act and in particular, the provisions of this part or the rules made thereunder or any of the terms and conditions subject to which a licence is granted under this Act. **TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 97** (2) If any direction given under sub-section (1) is not complied with, within the time specified in the notice, the Government or the Commissioner, as the case may be, may have such direction carried into effect at the cost of the local authority of the hill station concerned and the amount thereof shall be recovered from the defaulter by the said local authority as it is an arrear of land revenue. 146. (1) The Government may, on application review any order, decision or direction made by them including the grant or refusal of a licence, if it appears to them that any such order, decision or direction or the terms and conditions of the licence should be modified, annulled or reversed and pass order accordingly. (2) No order under this section adversely affecting a person shall be made unless that person has had a reasonable opportunity of making his representation. (3) The Government may stay the operation of any order, decision or direction made by them including the grant of licence pending the exercise of their power under sub-section (1) in respect thereof. (4) Every application to the Government for the exercise of their power under this section shall be made within two months from the date on which the order, decision or direction made by the Government including the grant of licence to which the application relates was communicated to the applicant : Provided that the Government may entertain an application made after the expiration of the said period of two months if they are satisfied that the applicant had sufficient cause for not making such application in time. 147. (1) A person aggrieved by an order of the Government under section 146 may within a period of sixty days from the date on which a copy of the order was communicated to him, file an application for revision of such order to the High Court. Revision by High Court. (2) In disposing the application for revision, the High Court may, confirm, cancel or vary such order. (3) Every order passed under this section shall be final. 148. No compensation shall be claimed by any person for any damage or loss compensation sustained by him in consequence of— (a) the refusal to grant any licence by the Government or the Commissioner as the case may be; (b) any order or direction issued under section 145; (c) any direction issued under section 145; (d) the operation of any of the provisions of this part or the rules made thereunder

149. No civil court shall have jurisdiction to decide or deal with any question which is by or under this part required to be decided or dealt with by the Government or the Commissioner. 150. (1) The provisions of this part shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law, custom, usage or (A Group) IV-2 Ex. 1398)-10 Bar of jurisdiction of courts. Part to overrule 98 **TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY** Delegation of Powers of Government. Exemptions. Application of this chapter, Vesting of water works in municipality. Hoases, drains and private cesspools. (2) Save as provided in sub-section (1), the provisions of this Chapter shall be in addition to, and not in derogation of, any other provisions of this Act. (1) The exercise of any of the powers vested in them under any of the provisions of this part in respect of a hill station. (2) The exercise of any power delegated under sub-section (1) shall be subject to the notification and subject to such

restrictions and conditions as may be, also to control and revision by the Government. 152. (1) The Government may by order, exempt subject to such conditions if any, as may be specified in the said order, the Central or State Government from all or any of the provisions of part 11 of this Chapter, (2) The Government may, by order, for adequate and special reasons (to be recorded in writing) exempt any building or class of buildings from all or any of the provisions of this Chapter

CHAPTER IX. WATER SUPPLY AND SEWERAGE

153. The provisions of this chapter shall not apply to any municipality for Tamil which the Chennai Water Supply and Sewerage Act, 19 -n; will leave Act 28 of 1 application, 154.

(1) All public reservoirs, tanks, cisterns, springs, fountains, weirs, pumps, pipes, taps, conduits, aqueducts and other water works (not vested in Government) connected with the supply of water; go to the municipality whether made at the cost of the municipality or otherwise and all bridges, buildings, engines, work materials and other things connected therewith and all lands (not being private property or property vested in Government adjacent and appertaining to the same), shall vest in the municipality and be subject to its control. (2) The municipality shall maintain all existing water works intended for supply of water and it may close any such existing works and may construct any new water works or execute any of, whether within or outside the municipal limit new water supply scheme for the supply of drinking water to the public. (3). All public drains, pipes and drainage works and materials and things, appertaining thereto shall vest in the municipality and the municipality shall so far as the funds at its disposal provide sufficient system of public drains throughout the municipal areas. 155. (1) All house-drains whether within or outside the premises to which they belong and all private latrines and cess-pools within the municipality shall be under the control of the municipality but shall be kept and maintained in proper order at the expense of the owner of the premises to which the same belong and in conformity with the by-laws made by the Council in this behalf. (2) The Commissioner shall on application from any owner or occupier of a building or owner of a private street shall arrange for connection of the applicants' drain with any public drainage system maintained by the municipality on collection of such fees and in accordance with the by-laws: Provided that the Commissioner shall provide such connection only for buildings with plans duly approved by him. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 99 (3) No owner or occupier of any building shall allow or cause to be allowed any drainage water from any drain, latrine or from any other portion of the building under his occupation to any public street, or place where there is a public drainage system maintained by the municipality : Provided that wherein a municipality, there is a sewerage system, every owner of a building in the municipality shall connect the sewerage disposal of the building to municipal sewerage system and shall not continue any other system of disposal already in existence in that building

156. Notwithstanding anything contained in any other law for the time being in force, the Government may by order, entrust to a municipality, for the execution of any specific scheme for water supply, drainage or sewerage works and the municipality shall for the purpose of implementation of such schemes, have and such powers, functions and responsibility as may be specified by the Government in the said order and such schemes shall be maintained by such municipality. 157. (1) The municipality may supply drinking water for domestic consumption in the municipal area in accordance with the rules framed for this purpose. (2) The Council may specify the fees for supply of water at such rate and collect the same in such manner as may be prescribed, having regard to the quantum of consumption made by any person, institution or other authority. (3) For the purposes of determining the fees payable under sub-section (2) and for regulating the consumption and prevention of wastage of water, the Council may fix water meter at any building or premises in any area within the municipal limits. (4) The work relating to fixing of water meter is not required if there is lesser number of connections in a municipal area and the fees may be collected at such rate as may be determined by the Council from time to time in accordance with the rules prescribed having regard to the quantum of water supplied and such fees may be collected up to the period of fixing such meters in that municipality. 158. The Commissioner may subject to availability, supply water to any commercial, industrial, or other purposes and collect water charges from them in accordance with the by-laws framed by the Council for this purpose: Provided that the Commissioner shall provide such connection only for buildings with plans duly approved by him, 159. (1) The council may subject to the approval of Government supply water to any neighbouring local bodies outside the municipal limit subject to such terms and conditions as may be determined from time to

time by the Council concerned. (2) If any dispute arises in regard to supply of water or in the collection of water charges among the local bodies, the matter shall be referred to the Director whose decision shall be final

160. The Commissioner may order disconnection of water supply connection any premises for non-payment of water charges or property tax payable to the municipality under this Act or for any other valid reason connected With the affairs of the Inunfcioality : Yr tl*at the water supply shall not be disconnected withoute *Iving notice the person concerned, Group) 11 V -2 Exe (398k ICA Entrustment of water supply and drainage work. Supply of water by municipality and provisions for water meter. Supply of water for commercial, industrial and other poses. Supply of water to othe? neighbouring local bodies, Power to dt8— connect water supply onnectioti 100 Prohibition allowing or throwing any material in water sources or drainage. TAMIL GOVERNMENT GAZETTE EXTRAORDINARY ! 1)" No person shall allow or pass or throw away or discharge any mate• 161. rial or any refuse, substance or tr*de effluent 01 wastage or solid waste into any water source, or orainage maintained by the municipality, which would cause or Power to under take municipal work in any private pro.perty and power to enter into private land. Repair ot public tank, wells and other works by temporarily removing likely to cause pollution, health hazards or nuisance or in any way prejudice to the environment or obstruct the free flow of water or the drainage system. (2) Subject to the provisions of any other law for the time being inforce the Council may make necessary by-laws for regulating the discharge of any industrial waste, foul water or refuse into any water source or drainage in a municipal area. i 62. The Commissioner for the purpose of executing or maintaining any work relating to water supply, drainage, street lighting or for any other municipal work, carry any cable, wire , pipe or undertake any work to establish or maintain any system of drainage or channel of any kind, through, across, under or over private land or building within the municipal limit : Provided that such work shall be done causing minimum inconvenience to the owner or any occupier of such land or building : Provided further that the Commissioner may, with the sanction of the Council, pay compensation to any person for any damage sustained by him in the course of any work undertaken in pursuance of powers vested under this sectiqn. (2) No person shall without the permission of the Commissioner make any connection from his •land or building with any municipal cable, wire, pipe, drain Oi channel with any of his neighbours so as to secure any wateror drainage connecti0D of electric " supply, (3) The Commissioner may remove, demolish, alter or close any connection so made in contravention of the provisions of sub-section (2) after giving notice in this behalf. (4) The Commissioner or any person authorised by him in this. behalf may,. together with his workmen enter' into any private land or building for the purpose ofexecuting any muniéipal work for the purpose of dumping any. soil, gravel stone or other materials in such lands •after giving three days notice : Provided that in case of emergency, the Commissioner m.ay enter the premises or land after informing the owner or occupier in this behalf

163. The Commissioner may make arrangements to repair any tank,river bed,,pond, street or any public well and while making arrangments for executing such repair or other. work, 'the Commissioner may, to avoid imminent danger to any person residing. nearby, by an order, temporarily remove them till the completion of the work. nearby •residents, 164. (1) If in the opinion 'f the Commissioner,— Power to order filling in Df (a) any pool, ditch, tank, well, pond, bog, swamp quarry •hole. drain, pools, etc., which are cess poolpit, or any collection of water, or nuisance. (b) any land on which water may at any time accumulate or is likely to become a breeding place of mosquitoes or in any other respect is a nuisance the Commissioner may by notice require the owner or person having control thereof to fill up, coverover, weed stock with larvicidal fish, petrolize , drain or drain off the same in such manner and with such materials as the Commissioner shall direct to take such order with the same for removing or abating the nuisance. as the Commissioner shall direct. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 101 165. The Council may on the report of the Director of Pvblc Health or any Regulation or other Department of the Government, the Health Otncer ctr the Local Medical uhibition of Officer that the cultivation of any specified crop, or the use of any kind of manure certain kinds of or the irrigation of land in any place with in the limits of the municipality is injurious cultivation. to the public health, with the previous sanction of the Government by public notice regnlate or prohibit the cultivation, use of manure. 01 irrigation so reported to be injurious, CHAPTER-X. PUBLIC HEALTH AND SOLID WASTES MANAGEMENT

166. If any medical practitioner or any person notices the existence of any infectious disease or occurrence of death due to such infectious disease in any private or public hospital, nursing home or dwelling house in an area comprised in the municipality, he shall immediately inform the Commissioner, or to any officer of the municipality

167. The Commissioner or any officer authorised by him may at any time with- out notice or after giving such notice as may appear to him reasonable, inspect any place in which any infectiöus disease is reported or suspectea to exist.the Commissioner may, unless he is satisfied, that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any infectious disease, remove or cause to be removed such person to any medical institution and extend necessary medical treatment and shall take such other measures as he may think fit, to prevent the spread of such disease

168. If the Commissioner or any officer authorised by him is of the opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any infectious disease he may himself cause such building or article to be cleansed or disinfected, after giving notice to the own of the building. In

the event of the prevalence of any infectious disease in any area comprised in a municipality. the Commissioner, may by notice require the owner or occupier of any building, used for the purpose of: dwelling or for public entertain- ment, to close such building for such period as may be specified in the .said notice. 170. (1) Ifthe Commissioner is satisfied that the water in any well, tank or other Obligation to

170. (1) If the Commissioner is satisfied that the water in any well, tank or other Obligation to report infectious disease. Power to enter and remove patient. Disinfection of building and articles. Power to order closure of infected building. Power of Commissioner within the limits of the municipality is likely

to be used, for drinkingpur • missionary • to poses, would endanger, or. cause the spread of any infectious disease, he may byg prohibittuse • oP public. notig* prohibit the use of such, water for drinking and waterlikely to: spread tion during such period as may be specified in. the said notice. infection. (2) If it

appears to the Commissioner that any public or well or receptacle of stagnant water is likely to be injurious to public health, or breeding ground to mosquitoes or offensive to the neighbourhood, he shall cause the same to be cleaned, drained, or undertake such other protective measures as may be considered.

necessary. (3) The Commissioner may regulate or prohibit the washing of animals, clothes or other things or fishing in any river, tank or pond within the municipal limits in the of public health. The Commissioner may also regulate or prohibit the use of any public place for the purpose of public health.

the (Inle 01' f thix Act, ground BhalJ if such place haß already been regi;teredd, apply fin the c' i' h;we f,uch nt''f ccwnmtorl%, place registered within such tirre and in such mannej a Lc p. cw;jbcd 102 TAMIL NADU (JOV EKINiVL.LINi IL private (2) No new place for the disposal of the dead whether public or

shall be opened, formed, constructed or used unless a licence has been obtained from the Commissioner on an application made in accordance with such rules as may be prescribed. (3) No person shall bury or burn any corpse except in a place which has been registered, licenced or provided as aforesaid. (4) The

Council shall provide and maintain places to be used as burial or burning grounds or crematoria either within or outside the limit and may charge and levy rents and fees for the use thereof as may be fixed by the Council : Provided that where burial or burning grounds or crematoria are to be provided outside the

municipal limit, previous concurrence of the Government shall be obtained : itself undertake the burial or
Provided further that the municipality shall cremation of any unclaimed dead body at its own expense.
regulation in respect of carry, if or disposal 173. No person shall,— (a) bury or cause to be buried any dead

body in the burial ground unless 2.5 metres of depth from the surface of the ground is made and a margin of not less than 1.5 metres is allowed on both sides where the dead body is buried. (b) without the sanction in writing of the Commissioner or a Magistrate reopen a grave already occupied; and (c) carry

through any street a corpse or parts thereof not decently covered. I (l) The owner or caretaker of any animal in case of death of such animal .removal of dead nimai in any street or in any place, shall within three hours after the death of such animal either— (a) remove the dead animal to the place notified by the

municipality ; or (b) report the death of the animal to the municipality for removing the same. (2) When any dead animal is removed by the municipality in pursuance of • the report made under sub-section (1) the owner or caretaker of the animal shall pay such fees as may be fixed by the Council.)isposal of solid i 75.

(l) It shall be the duty of the Council to keep any public place clean and remove the solid wastes by providing solid waste receptacle in proper and convenient places and dispose of such

solid waste by dumping at places notified by the Council within or outside the municipal limit. (2) Where no proper drainage system is provided for in the municipal limit or in any part thereof, the Council may make necessary arrangements to collect such drainage waste and dispose of the same in such manner as may be determined by the Council. 11 solid waste, rubbish and other materials collected by the municipality (3) shall be the property of the municipality. (4) Every municipality shall identify and notify suitable land within or outside the municipal area for the purpose of final disposal of the solid wastes: Provided that the municipality shall not identify and notify any land for the purpose of final disposal of the solid waste within a radius of ten kilometres from the air field. (5) While notifying the places under sub-section (4), the Council shall have due regard to the following factors, namely:— (a) sources generating garbage, health and environmental aspects; (b) the facility for treatment of compost manure and disposal of the same, by MAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (c) where preparation of compost manure is not feasible or practicable, sanitary land fill methods shall be adopted by the municipality, for the disposal of solid waste at the land fill sites in the manner as may be specified by the Council. (d) incineration of solid waste may be resorted to by the municipality for the disposal of infectious waste generated from the hospitals, nursing homes or health care centres and non-industrial hazardous waste that may be specified by the Council from time to time; (e) the feasibility of levying special charges from any person or authority in charge of buildings from which the garbage, solid waste, industrial or hazardous or infectious waste is collected; (f) appointing private agencies for cleaning and removing all garbage and waste referred to in this section; (g) feasibility of providing collection spots and transfer areas in the municipality. 103 76. (1) The Council may introduce modern methods for clearance of solid wastes within the municipal limit and implement such method in accordance with the rules prescribed. clearance of solid waste in municipality. (2) The Council may collect, at such rates as may be prescribed, special conservancy charges from any owner or occupier of any building used for public purposes or for commercial or for industrial purposes or used as a nursing home, hospital or the like taking into account the services rendered by the municipality to such places. 177. (1) Where any garbage is dumped by any person or institution in any street, or in any other receptacle other than that provided for dumping of such garbage, the Commissioner may arrange for the removal of the same on payment of such sum as may be fixed for each occasion in accordance with such procedure as may be prescribed, (2) The Commissioner may require in writing the owner or the occupier of any premises used, — (i) as a factory, workshop or where any manufacturing process is carried on, Or (ii) as a trade premises, shop, market or slaughter house, or (iii) as a hotel, eating house, or restaurant, or (iv) as a clinic, hospital or nursing home, or (v) as a warehouse or godown, or (vi) as a public resort, or (vii) in any other way, hazardous wastes or excreta to remove the rubbish, filth, trade refuse, special wastes, noxious or polluted matters which are accumulated in large quantities in such places at such time and in such trailers or receptacles and to such routes as may be specified in the notice to a depot or place provided by the municipality. (3) If the owner or occupier of any premises referred to in subsection (2) fails to remove as specified in the notice issued under sub-section (2), the Commissioner may arrange for the removal of the same on such fees, as may be determined by the Council: such fees shall not be less than such unit cost of removal of waste (including the cost for debt servicing, depreciation and other charge if any vehicles or vessels or means for removal) as the Council may from time to time. Removal of garbage. 104 Legal action against persons or Industrial units for non-removal of solid wastes or debris TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 178. (1) If in the opinion of the Commissioner, a large quantity of solid waste is dumped by any industrial unit, trade or business organisation in any public street or place or where the owner of a building during the construction of such building or otherwise dump such large quantity of debris, the person industrial unit or trade or business organisation or the owner in charge of such building, as the case may be, shall remove the solid waste or debris from such public place within such time and in such manner as may be notified by the Council, (2) In case where the industrial unit or trade or business organisation or the owner referred to in subsection (1) fails to remove the solid waste or debris in the manner specified under that sub-section, the Commissioner may after intimation to the person concerned cause such solid waste or debris to be removed and collect the expenses incurred for the removal of solid wastes or debris at such rate and in such manner as may be determined by the Council. (3) Where any industrial unit, trade or business organisation or any owner referred to in sub-section (1) violates any of the provisions of that sub-section

continuously, for such wilful non-compliance, such industrial unit, trade or business organisation or the owner of the building shall be liable to be punished with the penalty provided for under this Act. Explanation.—For the purpose of this section, wilful non-compliance shall mean the failure to comply with the provision of sub-section (1) by any industrial unit, trade or business organisation or the owner referred to in that sub-section as the case may be, for more than three occasions

179. Without prejudice to the provisions contained in the Tamil Nadu Public Health Act, 1939, for the purpose of enforcing the provisions of this Act relating to Public Health and other matters connected therewith, the Commissioner or Tamil Nadu Act of 1939, any Officer authorised by him in this behalf, may apply all or any of the provisions Penalties, Liability of Chairperson, Deputy Chairperson, councillor, Commissioner, officer and employee for any loss, waste or misapplication. Limitation for recovery of dues. contained in the Tamil Nadu Public Health Act, 1939 and the provisions contained in the said Public Health Act shall mutatis mutandis apply in relation to matters covered under this Act

CHAPTER XI. PROCEDURE AND MISCELLANEOUS

180. Save as otherwise provided in this Act, any person who contravenes any of the provisions of this Act or the rules, by—laws or regulations made or any order or direction issued thereunder, shall, on conviction, be punishable with fine which may extend to ten thousand rupees and in the case of continuing with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention: Provided that in the absence of special and adequate reason to the contrary to be recorded in the judgment of the Court, the fine shall not be less than five hundred rupees.

181. (1) The Chairperson, Deputy Chairperson, Councillor, Commissioner or any officer or employee of the municipality shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipality, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against such Chairperson, Deputy Chairperson, Councillor, Commissioner, officer or employee of the municipality by the Council with the previous sanction of the Government or by the Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

182 No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the municipality under this Act after the expiration of a period of six years from the last day of the period in respect of such sum is claimed or in case the same is not claimed in respect of any specific period, from the last day of the year in which the claim arose.

TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 183. (1) Where the Chairperson, Deputy Chairperson, or Councillor, Commissioner or any officer or employee of the municipality is accused of offence alleged to have been committed by him while acting or purporting to in the discharge of his official duty, no magistrate shall take cognizance, such offence except with the previous sanction,— or any act of Article 235 of 1935. (i) in the case of Chairperson, Deputy Chairperson, Councillor and Commissioner, the Government; and (ii) in the case of an officer or an employee of the municipality, the Director or the Commissioner, as the case may be.

184 The Chairperson, Deputy Chairperson, councillor, Commissioner and officers and employees of the municipality who are entrusted with the execution of any function under this Act acting or purporting to act in pursuance of any of the provisions of this Act or the rules or the byelaws or the regulations made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

185 Sanction for prosecution of Chairperson, Deputy Chairperson, councillor, Commissioner or any officer or employee of municipality. Chairperson, Deputy Chairperson, Councillor, Commissioner, officer and employee to be public servants

185. The Government may empower any officer or employee of a municipality to exercise the powers of a Police Officer for the purpose of this Act and the rules made thereunder

186. No court shall take cognizance of any offence against this Act, or any rule, byelaw, regulation or order made under it whether committed within or outside the municipal limit unless, a complaint is made by the police or the Commissioner or by a person expressly authorised in this behalf by the Council

187. No suit, prosecution or other legal proceeding shall lie against the Government or the Chairperson, Deputy Chairperson, councillor, Commissioner or officer or any employee of the municipality for anything which is in good faith done or intended to be done in pursuance of this Act or of any rule, byelaw or regulation or

order made thereunder. 188, (1) Where an offence against any of the provisions of this Act or any rule, byelaw or regulation made or any order or direction issued thereunder has been committed by a company, every person, who, at the time the offence was committed, was of, and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer, of the company, such director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. the purpose of this section,— (a) a company means any body corporate and includes a trust, a firm, a society or other association of individuals, and (b) "director" in relation to— (i) a firm, means a partner in the firm ; officers by municipal officers and employees. Cognizance of offences. Protection of action taken in good faith, Offences by companies, (ii) a society, a trust or other association of individuals, means the person with the who is entrusted under the rules of the society, trust or other association, management of the affairs of the society, trust or other association; the case may be, Ex. (398) —11 106 INALJU ..Jt...) L. sections not to 189. Notwithstanding anything contained in the Code of Civil Procedure, Central Act V granted in section or assessment proceedings, power of entry to inspect, survey or execute work. Payment of compensation for damage to municipal property. Prohibition or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the— (a) preparation or publication of electoral rolls, (b) conduct of any election, or (c) preparation, revision or amendment of assessment book

190. The Commissioner or any person authorised by him in this behalf may enter into any building or land with or without assistance of workmen, in order to make any inquiry, inspection, test, examination, survey, measurement or valuation, or for the purpose of lawfully placing or removing meters, instruments, pipes or apparatus or to execute any other work which is authorised by the provisions of this Act, or of any rule, byelaw, regulation or order made under it, or where it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute: Provided that,— (d) no such entry shall be made after sunset or before sunrise ; (b) no place used as a house or no part of a public building which is used as dwelling house shall be entered without giving forty-eight hours previous notice of the intention to make such entry ; and (c) such inspection shall be made in so far as it is practicable ensuring privacy to the female members residing in such dwelling house. 191, In an account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule, byelaw, order or regulation made under it and by reason of such act or omission, damage has been caused to any property owned or vested in the municipality, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the case of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on an application made to him for the purpose, by the Commissioner not later than three months from the date of conviction and in default of the order of the court so determined it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefore 192. (1) No person shall remove any mark set up for the purpose of indicating a restriction on any level or direction incidental to the execution of any work authorised by this Act or any rule, byelaw or regulation or order made thereunder. Prohibition against obstruction of municipal authorities or employees of municipality and contractors. (2) No person shall, without authority in this behalf, remove, destroy, deface or otherwise obliterate any notice or name board exhibited by or under the orders of the Council or the Commissioner. (3) No person shall, without any permission from the Commissioner, remove earth, sand, or materials from any land vested in the municipality or river bank, canal, watercourse or watercourse (not being private property) or in any way obstruct the same. 193. No person shall obstruct or in any way obstruct the Council, the Chairperson, Deputy Chairperson, councillor, Commissioner, employee of

the Council or officers or any person with whom a contract has been entered into on behalf of the municipality in the performance of his duty or of anything which he is empowered or required to do by virtue of or in consequence of this Act or of any rule, by-law or regulation or order made thereunder. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 107 194. (1) When any notice or other document is required by this Act or by any of rule, by-law, regulation or order made thereunder to be served on or sent to any person the service or sending thereof may be effected-- (a) by giving or tendering the said document to such person or (b) if such person is not found, by leaving the same at his last known place of abode or business or by giving or tendering the same to his agent, clerk or servant or some adult member of his family; or (c) if person does not reside in the municipal area and his address elsewhere is known to the Commissioner, by sending the same to him by registered post; or (a) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business. (2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers. (3) Whenever in any bill, notice, form or other document served or sent under this Act, a period is fixed within which any tax or other sum is to be paid for any work executed or anything provided, such period shall, in the absence of the express provision to the contrary in this Act, be calculated from the date of such service or sending by registered post. Power of authorised officers to inspect or superintending; officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such inquiries the same powers in regard to the issue of summons for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Tamil Nadu Income Tax Act.

1869. Revenue Summons Act, 1869 and the provisions of sections 3, 4 and 5 of that Act, and the rule, made under that Act shall apply to summons issued and to persons summoned by virtue of the powers conferred by this section ; and all persons to whom summons are issued by virtue of the said powers shall be bound to obey such summons

196. The Commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration or the grant of any licence, or permission under the provisions of this Act, 197, (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of this Act and to be in conformity with the provisions of the Constitution (Seventy-fourth Amendment) Act, 1992 as appear to it to be necessary or expedient for removing the difficulty provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. Summation altered to evidence document. Power to 198. (1) The Government may make rules for carrying out all or any of the powers to be exercised by this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all any of the following matters, namely:— (i) the principles to be followed in regard to the exclusion of any local area from or inclusion of local area in a municipality under clause (d) of sub-section (3) of section 3, (ii) the adjudication arising out of election under this Act ; (iii) all matters relating to the conduct of election not expressly provided for in this Act including deposits to be made by the candidate standing for election and the conditions under which such deposits may be forfeited and to conduct of inquiries and the decision of disputes relating to electoral roll. as to the intimation of the Chairperson, Chairperson and councillors of the municipality and the moving of resolutions at meetings : of committees of the municipality (v) as to the constitution and the delegation of functions of such committees ; (vi) providing for the procedure to be followed at meetings of the municipality and at committees thereof and for the conduct of business and the quorum shall form a quorum at any meeting ; number of members (vii) as to the powers of the municipality and its Chairperson and committees thereof With respect to the incurring of expenditure and the powers and duties of the Commissioner : (viii) providing for the travelling and other allowances of the Chairperson Deputy Chairperson, and councillors, and member of the committees of the municipality ; (ix) as to the delegation of any function of a municipality to the Chairperson, Deputy Chairperson and councillor of municipality or any servant of the municipality ; (x) for the investment of the moneys of the municipality and for the manner in which such moneys may be drawn upon ; as to the estimates of receipts and expenditure. returns, statements and

reports to be submitted by municipality; as to the preparation of plans and estimates for works and the power of various authorities to accord technical or administrative sanction to estimate; as to the powers of auditors to disallow and surcharge items, appeals against orders of the auditor and recovery of sums disallowed or surcharged; (xiv) as to the powers of the auditor and superintending inquiries to summon and examine members and officers authorised to hold witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence; (xv) as to the conditions on which property may be acquired by a municipality or on which property vested in or belonging to a municipality may be transferred to Government Departments by sale, mortgage, lease, exchange or otherwise; (xvi) as to the conditions on which and the mode in which contracts may be made by or on behalf of municipality; (xvii) the form in which, the terms and conditions subject to which and the period for which a licence under section 102 may be granted; (xviii) the fee to be paid in respect of any application for grant or renewal of licence and for appeal under this Act; and (xix). Any owner or manager, which is, required to be or may be prescribed by this Act; (3) While making rules under this section the Government may make different provisions for the municipalities as grouped below:— Group A — Chennai Municipal Corporation; TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY B Group Municipal Corporation other than Chennai Special Grade Municipalities; — Selection grade and first grade Municipalities; and C Group D grade Municipalities and all grades of Town Panchayat. (4) All rules made under this Act shall be reviewed by Government at least once in every ten years and necessary alterations and modifications be made to meet the prevailing contingencies and for updating the said rules, (5) (a) All rules made under this Act shall be in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day shall come into force on the date on which they are published, (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, shall come into force on the date on which they are published. (c) Every rule made under this Act, and every order issued under section 197 shall, as soon as possible after it is issued be placed on the table of the Legislative Assembly, and if, before the expiry of a session in which it is so placed or the next session, the Assembly makes any modification in any such rule or order or the Assembly decides that the rule or order should not be made or is not expedient, the rule or order shall have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or amendment shall be without prejudice to the validity of any thing previously done under that rule or order. (1) The Council may, with the approval of the Director, make by-laws, regulations and orders in relation to any of the matters expressly provided for in this Act and also for matters connected with the administration of the municipality framed by or not inconsistent with the provisions of this Act and the rules framed thereunder Council and the Instructions issued by the Government from time to time, (2) The Council may also provide for penalties in the by-laws and regulations, and for violation of such by-laws and regulations in accordance with the rules framed under this Act. (3) All by-laws and regulations made under this Act shall be published in such manner as may be prescribed. (4) If the Council has failed to make any regulation or by-laws or if the regulation or by-laws made by it are not in the opinion of the Government adequate, the Government may by an order direct the Council to follow the specified therein and the Council shall give effect to such decision. (5) When any by-law or regulation has been made under this by-law or regulation shall be published in the District Gazette in Tamil and shall come into force on the date of its publication in Tamil. (1) The following Acts are hereby repealed, namely:— (a) the Chennai City Municipal Corporation Act, 1919 (1919). (A Group) 19-2 (Ex.) 398—12 Repeal and (b) the Tamil Nadu District Municipalities Act, 1920 (c) the Madurai City Municipal Corporation Act, 1971 (d) the Coimbatore City Municipal Corporation Act, 1981 (e) the Tiruchirappalli City Municipal Corporation Act, 1974 (f) the Tirunelveli City Municipal Corporation Act, 1994 (g) the Salem City Municipal Corporation Act, 1994. (2) Tamil Nadu Act 1920, Tamil Nadu Act 15 of 1971. Tamil Nadu Act 25 of 1981. Tamil Nadu Act 27 of 1994. Tamil Nadu Act 28 of 1994. (h) the Tamil Nadu Places of Public Resort Act, 1883 in its application to municipality; (i) the Tamil Nadu Parks, Play fields, and Open Spaces (Prevention and Regulation) Act, 1959 in its application to municipality (j) the Tamil Nadu Elementary Education Act, 1920 in its application to municipality, Upon such repeal, the provisions of sections 8 and 18 of the Tamil Nadu General Clauses Act, 1891 shall apply, (3) Notwithstanding such repeal— (a) any person holding office immediately before the date of the commencement of this Act as Chairperson, Deputy Chairperson or Member of any municipality under

the relevant Acts referred to in sub-section (1) shall on commencement continue to hold the said office until the expiry of the term of for which he has been elected and he shall exercise all powers and perform all duties conferred on such Chairperson, Deputy Chairperson" or "by or under the of this Act ; (b) any committee constituted under the relevant Acts referred to in sub- section (1) shall be deemed to have been constituted under this Act and functioning immediately before the date of the commencement of this Act, shall continue to function and exercise such powers and perform such duties conferred by. or under the relevant Acts, referred to in the said sub-section (1) until they are reconstituted or dissolved under this Act ; (c) all rules, by-laws, notifications, notice, orders, directions or any other proceedings issued and schemes framed and works sanctioned by the Government of the municipality concerned immediately before the date of the commencement of this Act shall so far as they are not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been issued or framed or sanctioned under the provisions of this Act until they are superseded or modified or reissued under the Tamil Nadu Act 29 of 1994. Tamil Nadu 11 of Tamil Nadu Act 26 of 1959. Tamil Nadu Act VI of 1920. Tamil Nadu Act 1 of 1891. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (d) all property whether movable or immovable and all rights and interest of whatsoever kind owned by or vested in or held in trust, by, any municipality immediately, before the date of the commencement of this Act as well as liabilities legally subsisting shall stand transferred to, and vest in that municipality which is deemed to have been constituted under this Act; (e) all things done, made, instituted, executed and appointed by the municipal corporations, municipalities, town panchayats under the relevant Acts referred to in sub-section (1) before the commencement of this Act shall be deemed to have been done, made, instituted, executed or appointed, as the case may be, by the municipal corporations, municipalities and town panchayats, deemed to have been constituted under the provisions of this Act. (By order of the Governor) K. PARTHASARATHY, -Secretary to Government. Law Department, PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING ON BEHALF OF GOVERNMENT OF TAMIL NADU. Tamil Nadu Act of 1999. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 14th December and is hereby published for general information:— ACT No. 54 OF 1999, An Act to amend the Tamil Nadu Urban Local Bodies Act, 1998. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth Year of the Republic of India as follows:— (1) This Act may be called the Tamil Nadu Urban Local Bodies (Amendment) Act, 1999. (2) It shall come into force at once

2. In section 2 of the Tamil Nadu Urban Local Bodies Act, 1998 (hereinafter referred to as the principal Act), in clause (20), for the expression "as it notified".the expression "as is notified" Shall be substituted

3. In section 3 of the principal Act,—(1) in sub-section (1), (a) after the expression "by notification", the expression "declare his intention" shall be inserted; (b) for the expression "constitute any local area", the expression "to constitute any local area" shall be substituted; (2) in sub-section (2),— (a) in clause (b), for the expression "under sub-section (1)", the expression "under sub-section (1) or under clause (a) of this sub-section" shall be substituted; (b) in clause (d), after the expression "by notification", the expression "the constitution of" shall be inserted; (c) in clause (f), for the expression "The inclusion of any village panchayat", the expression "The constitution of any village panchayat as a municipality or the inclusion of any village panchayat" shall be substituted

4. In section 10 of the principal Act,—(1) in sub-section (2), for the expression "Unless the Tamil Nadu State Election Commission otherwise directs, no casual vacancy", the expression "No casual vacancy" shall be substituted; (2) in sub-section (3), the expression "but subject to the provisions of sub-section (2)" shall be omitted

5. In section 12 of the principal Act, (1) in sub-section (4), (a) for the expression "while undergoing the sentence", the expression "while the sentence is in force" shall be substituted; (b) for the expression "five years", the expression "six years" shall be substituted; (2) in sub-section (5), for the expression "five years", the expression "six years" shall be substituted; (3) after sub-section (7), the following sub-section shall be added, namely:—(8) If the Tamil Nadu State Election Commission is satisfied that a person,— (a) has failed to lodge an account of election expenses within the time and in the

manner required by or under this Act, and 241 Short title and commencement. Amendment of section 2. Amendment of section 3. Amendment of section 10. Amendment of section 12. 242 Amendment of section 25. Amendment of section 28. Amendment of section 31. Amendment of section 34. Amendment of section 37. Amendment of section 38. Amendment of section 42. Amendment of section 46. Amendment of section 49. Amendment of section 50. Amendment of section 52. Amendment of section 57. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (b) has no good reason or justification for the failure, the Tamil Nadu State Election Commission shall, by order published in the Tamil Nadu Government Gazette, declare him to be disqualified for being elected as, and for being, a councillor or chairperson, as the case may be, and any such person shall be disqualified for a period of three years from the date of the order."

6. In section 25 of the principal Act, in sub-section (3), for the expression "by the presiding officer by", the expression "by the presiding officer" shall be substituted. 7. In section 28 of the principal Act, for the expression "requisition on such buildings", the expression "requisition such buildings" shall be substituted

8. In section 31 of the principal Act, in sub-section (2), for the expression "guilty by an the expression "guilty by act of an agent" shall be substituted. 9. In section 34 of the principal Act, in sub-section (1), for the expression "present at that meeting and elected by the councillors present at that meeting", the expression "in the panel referred to in section 47 in the order of their names mentioned in that panel" shall be substituted. 10. In section 37 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:— "(I-A) The councillors shall be elected by the persons whose names appear in the electoral rolls relating to the wards of the municipality in accordance with such procedure as may be prescribed." 11. In section 38 of the principal Act, in sub-section (2), for the expression "under this section", the expression "under clause (a) of sub-section (1)" shall be substituted

12. In section 42 of the principal Act, in sub-section (4), for the expression "sub-section (2) or involves", the expression "sub-section (2) involves" shall be substituted

13. In section 46 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—"Provided that the Chairperson shall have the right to vote in the election of the Deputy Chairperson."

14. In section 49 of the principal Act, in sub-section (1), the following shall be added at the end, namely:—"The powers and functions of the wards committee shall be such as may be notified by the council."

15. In section 50 of the principal Act,—(1) for the expression "municipality" wherever it occurs, except in the opening portion of clause (ii) of sub-section (1), the expression "council" shall be substituted; (2) in sub-section (8), for the expression "Councillors", the expression "councillors, the Chairperson and the Deputy Chairperson" shall be substituted

16. In section 52 of the principal Act, in sub-section (1), in clause (a), for the expression "disobey or act", the expression "disobeys or acts" shall be substituted

17. In section 57 of the principal Act,—(1) sub-section (6) shall be omitted; (2) in section (7), the following expression shall be added at the end, namely:— "and he shall report the action taken under this section and reasons therefor to the council at its next meeting." , TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (3) in sub-section (8), the expression "and he shall report the action taken under this section and reasons therefor to the council at its next meeting" shall be omitted

18. For sections 59 and 60 of the principal Act, the following sections shall be substituted, namely:—"59. Classification of officers and servants in municipal services. (1) The municipal services mentioned in sub-section (1) of section 58 shall consist of such classes of officers and servants of the municipality, and each such class shall consist of such categories of posts, as may be prescribed

60. Recruitment and conditions of service.—The recruitment and other conditions of service of officers and servants to the posts included in the municipal services mentioned in sub-section (1) of section 58, shall be such as may be prescribed: Provided that the provisions of this section shall not apply to the Government servants employed in the municipality."

19. In section 63 of the principal Act, in sub-section (2), for the expression "audited by a qualified auditors", the expression "audited by qualified auditors" shall be substituted

20. In section 80 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely: "(aa) Profession tax;". 21. In section 81 of the principal Act, for sub-sections (3) and (4), the following sub-section shall be substituted, namely:— "(3) The resolution passed by the council shall be published in such manner as may be prescribed."

22. In section 87 of the principal Act, (1) for clause (c), the following clauses shall be substituted, namely:—"(c) buildings used for educational purpose including hostels attached thereto; (cc) places used for the charitable purpose of sheltering the destitutes or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions, run purely on philanthropic lines as are approved by the council in accordance with such rules as may be prescribed;"; (2) in the proviso, for the expression "clauses (a), (c) and (e) shall be deemed to exempt any building or land from property tax any building", the expression "clauses (a), (c), (cc) and (e) shall be deemed to exempt any building or land from property tax where any building" shall be substituted

23. In section 92 of the principal Act, in the second proviso, for clause (b), the following clause shall be substituted, namely:—"(b) of an election to the Parliament. Legislative Assembly or a Municipality; or."

24. In section 94 of the principal Act, in sub-section (1), in clause (b), after item (v) and the entries relating thereto, the following items and entries shall be added, namely:—243 Substitution of sections 59 and Amendment of section 63. Amendment of section 8(). -Amendment of section 8L Amendment of section 87. Amendment of section 92. Amendment of section 94. "(vi) Release of Benami right in favour of persons excepted under sub-section (3) of section 4 of the Benami Transactions (Prohibition) Act, 1988 (Central Act 45 of 1988) of immovable property. The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act 11 of 1899), the market value as so determined by such authority. 244 Amendment of section 100. of Amendment section 102. Amendment of section 114. Amendment of section 115. Insertion of new Chapter VI-A. f A VI IL INADU v (vii) Settlement of immovable property other than in favour of a member or members of a family. The market value of the property as set in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act 11 of 1899), the market value as so determined by such authority. Explanation.—For the purpose of this item, the word "family" shall have the same in Schedule I to the Indian meaning as in the Explanation to item (i) of clause (u) of the Indian Stamp Act, 1899 (Central Act 11 of 1890), as amended by the Indian Stamp (Tamil Nadu Amendment) Act, 1981 (Tamil Nadu Act 42 of 1981) 25. In section 100 of the principal Act, in sub-section (1), the following proviso shall be added, namely:— "Provided that no appeal shall be entertained by the Taxation Appeals Committee unless the appellant consents with the town panchayat or the municipality, as the case may be, the entire amount assessed by the Commissioner in the revision." 26. In section 102 of the principal Act, in sub-section (i) for the expression "as may be prescribed. Such licence shall be renewed every year", the following expression shall be substituted, namely:— "and for such period not exceeding three years having regard to the nature of trade or business, as may be prescribed. Such licence may be renewed for a period not exceeding the period for which it was granted."

27. In section 114 of the principal Act, in clause (b), for the word "and", the word "or" shall be substituted

28. In section 115 of the principal Act, in sub-section (3), for the expression "or such other order", the expression "or pass such other order" shall be substituted. 29. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:— "CHAPTER - VI-A, TAX ON PROFESSION, TRADE, CALLING AND EMPLOYMENT. 117-A. Definitions.—For the purposes of this Chapter,— (a) "employee" means a person employed on salary and includes,— (i) a Government servant receiving pay from the revenue of the Central Government or any State Government; (ii) a person in the service of a body whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where such body operates within the municipal area even though its headquarters may be outside the municipal area; and (iii) a person engaged in any employment by an employer, not covered by sub-clauses (i) and (ii); (b) "employer" in relation to an employee earning any salary on a regular basis

under him means, the person or the officer who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the •Managemor Agent of the employer; (c) "half-year" shall be from the 1 st day of April to the 30th day of September and from the 1st day of October to the 3 J st day of March of a year; TAMIL NADÜ GÖVERNMENTfGÄZÉTTEEXTXÄORDINARY— (d) "month" means a calendar month; (e) "person" means any person who •is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club. body of persons or association, so engaged, but does not include any person employed on a casual basis; (D "tax" means the tax on profession, trade, calling and employment levied under this Chapter. 11-7-B, Lew of profession There shall be levied by the council a tax on profession, trade, calling and employment. (2) Every company which transact business and every person, who is engaged actively or otherwise in any profession, trade, calling or employment within the municipal area on the first day of the half-year for which return is filed, shall pay half-yearly tax at the rates specified in the Table below in such manner as may be prescribed:— Serial Number. (1) 2 3 4 5 6 THE TABLE Average half-yearly income. (2) From Upto ,OOO 21,001 30,001 45,001 60,001 75,001 and above To Rs. 30,000 45,000 60,000 75,000 Half-yearly (3) Nil 60 150 300 450 600 Central Act 11 of 1924. (3) The rate of tax payable under sub-section (2) shall be published by the Commissioner in such manner as may be prescribed. (4) Where a company or person proves that it or he has paid the sum due on account of the tax levied under this Chapter or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, trade, calling or employment, or residence, to pay the tax to any other local authority or cantonment authority. (5) The tax leviable from a finn, association or Hindu undivided family may be levied on any adult member of the firm, association or family. (6) Where a person doing the same business in the same name in one or more places within the municipal area, the income of such business in all places within the municipal area shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter. (7) Where any company, a corporate body, society, finn, body of persons or association pays the tax under this Chapter, any director, partner or member, ds the case may be, of such company, corporate body, society, firm, body of persons or association shall not be liable to pay tax under this Chapter, for the income derived by such director, partner or member from such company, corporate body, society, firm, body of persons or association: Provided that .such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources. TP) IV-2 Ex. 246 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (8) Every person who is liable to pay tax, other than a person earning salary or wage shall furnish to the Commissioner a return in such form, for such period within such date and in such manner as may be prescribed: Provided that subjec t to the provisions of sub-sections (l O) and (l l), such person may make a self-assessment on the basis of average half-yearly income of the previous financial year and the retum filed by him shall be accepted without calling for the accounts and without any inspection. (9) Every such retum shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed. (IO) Notwithstanding anything contained in the proviso to sub-section (8), the Commis- sioner may select ten per cent of the total number of such assessment in such manner as may be prescribed for the purpose of detailed scrutiny regarding the correctness of the return submitted by a person in this connection ahd in such cases final assessment order shall be passed in accordance with the provisions of t.his Chapter. (l l) If no return is submitted by any person under sub-section (8) within the prescribed period or if the return submitted by him appears to the Commissioner to be incomplete or incorrect, the Commissioner shall, after making such enquiry as he may consider necessary, assess such person to the best of his judgment: Provided that before taking action under this sub-section, the person shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him. (12) Every person who is iiable -to pay tax under this section, other than a person earning salary or wage,— (a) shall be issued with a pass book containing such details relating to such payment of tax as may be prescribed and if the pass book is lost or accidentally destroyed, the Commis- sioner may, on an application made by the person accompanied by such fee as may be fixed by the Council, issue to such person a duplicate of the pass book; (b) shall be allottee a permanent account number and such person

shall,— (i) quote such number in all his returns to, or correspondence with, the Commissioner; (ii) quote such number in all challans for the payment of any sum due under this Chapter. (13) The rate of tax specified under sub-section (2) shall be revised by the Council once in every five years and such revision of tax shall be increased not less than twenty-five per cent and not more than thirty-five per cent of the tax levied immediately before the date of revision. 17-C. Employer's liability to deduct and pay tax on behalf of the employees.—The tax payable by any person earning a salary or wage shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid to him, in such manner as may be prescribed and such employer shall, irrespective of whether such deduction has been made or not when the salary or wage is paid to such person, be liable to pay tax on behalf of such person: Provided that if the employer is an Officer of the State or Central Government, the Government may, notwithstanding anything contained in this Chapter, prescribe the manner in which such employer shall discharge the said liability. 17-D. Filing of returns by employer.—(1) Every employer' liable to pay tax under this Chapter shall file a return to the Commissioner, in such form, for such period and by such rate as may be prescribed, showing therein the salaries paid by him to the employees and the amount of tax deducted by him in respect of such employees. 247 of 1950. of 1950. Act 62 57. Act of 1949. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (2) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed. 17-E. Assessment of the 1) The Commissioner, if satisfied that any return filed by any employer under sub-section (1) of section 17-D is correct and complete, shall accept the return. (2) Where an employer has failed to file any return under sub-section (1) of section 17-D within the time or if the return filed by him appears to the Commissioner to be incorrect or incomplete, the Commissioner shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of his judgment and issue a notice of demand for the tax so assessed: Provided that before assessing the tax due, the Commissioner shall give the employer a reasonable opportunity of being heard. 17-F. Penalty and interest.—(1) In addition to the tax assessed under sub-section (1) of section 17-B or sub-section (2) of section 17-E in the case of submission of incorrect or incomplete return, the Commissioner shall direct the person or employer to pay by way of penalty of one hundred per cent of the difference of the tax assessed and the tax paid as per return: Provided that no penalty under this sub-section shall be imposed after the period of three years from the date of the order of the assessment under this Chapter and unless the person affected has had a reasonable opportunity of showing cause against such imposition. (2) On any amount remaining unpaid after the dates specified for its payment the person or employer shall pay, in addition to the amount due, interest at such rate not exceeding one percent per mensem of such amount for the entire period of default, as may be prescribed. 17-G.) Any person or employer aggrieved by any order or decision of the Commissioner in relation to the payment of tax (including penalty, interest) may, within such time as may be prescribed, appeal,— (a) to the Taxation Appeals Tribunal, in the case of Corporation; (b) to the Taxation Appeals Committee, in the case of municipality or town panchayat. (2) The decision of the Taxation Appeals Tribunal or the Taxation Appeals Committee, as the case may be, shall be final and shall not be questioned in any court of law: Provided that no such decision shall be made except after giving the person affected a reasonable opportunity of being heard. 17-H. Exemptions.—Nothing contained in this Chapter shall apply to,— (a) the members of the Armed Forces of the Union serving in any part of this State, to whom the provisions of the Army Act, 1950, the Air Force Act, 1950 or the Navy Act, 1957 applies; (b) the members of the Central Reserve Police Force to whom the Central Reserve Police Force Act, 1949 applies and serving, in any part of this State; (c) physically disabled persons with total disability in one or both the hands or legs, spastics, totally dumb or deaf persons or totally blind persons: Provided that such physical disability shall be duly certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon; Central Act of 1968. Tamil Nadu M 24 of 1992. Amendment of section 123. Amendment of section 128. Amendment of section 133. Insertion of new section (d) the members of the Central Industrial Security Force to whom the Central Industrial Security Force Act, 1968 applies and serving in any part of this State. "17--1. Collection of Profession tax during certain periods.— (1) Notwithstanding the repeal of the Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (hereafter in this section referred to as the 1992 Act) by the Tamil Nadu Municipal Laws (Second Amendment) Act, 1998 (Tamil Nadu Act 59 of 1998), the rates of tax on

professions, trades, callings and employments specified in the Schedule to the 1992 Act shall continue to apply for the period commencing on the 1st day of April 1992 and ending with the 30th day of September 1998 for the levy and collection of such tax for the said period, where the tax due under the 1992 Act has not been paid for the said period. (2) The provisions of this chapter, other than the rates of tax specified in sub-section (2) of section 17-B and the provisions relating to penalty and interest, shall mutatis mutandis apply to the levy and collection of tax for the period mentioned in sub-section (1). (3) The arrears of tax under the 1992 Act, shall be paid in six equal half-yearly instalments in such manner and within such period as may be prescribed."

30. In section 123 of the principal Act, in sub-section (2), for the expression "as may think fit", the expression "as he may think fit" shall be substituted

31. In section 128 of the principal Act, for the expression "land belonging to the departments of the Central or State Governments" occurring in three places, the expression "land belong to the municipality or the departments of the Central or State Governments" shall be substituted

32. In section 133 of the principal Act,—(1) in sub-section (6), after the expression "grant the permission", the expression "or refuse to grant the permission for reasons to be recorded in writing" shall be inserted; (2) in sub-section (10), (a) for the expression "sub-section (9)", the expression "sub-section (6) or (9)" shall be substituted; (b) for the expression "Government", the expression "Director" shall be substituted; (c) for the proviso, the following proviso shall be substituted, namely:—"Provided that the Director may, within a further period of forty-five days, admit an appeal preferred after the expiration of the first mentioned period of forty-five days, if he is satisfied that the petitioner had sufficient cause for not preferring the appeal petition in the first mentioned period."; (3) in sub-section (11), for the expression "Government", the expression "Director" shall be substituted

33. After section 163 of the principal Act, the following section shall be inserted, namely:— " 163-A. Declaration of prohibited area.— (1) Subject to the provisions of any other law for the time being in force, the Government, with a view to protect water for drinking purpose drawn from any water source used or maintained by a municipality from being polluted, or to augment water supply and having regard to the location of the water source and such other factors relating thereto as may be prescribed, may by notification in the TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Tamil Nadu Government Gazette, declare such area, as may be prescribed around such water source, as a prohibited area. (2) Upon such declaration, no person shall sink well including bore well or set up pump-set to pump water from any source or quarry sand or carry out any development on any land in the prohibited area. (3) The provisions of this section shall not apply to any work carried out by a municipality in connection with water source."

34. In section 176 of the principal Act, in sub-section (2), for the expression "used for public purposes", the expression "used for residential purposes or for public purposes" shall be substituted

35. After section 178 of the principal Act, the following section shall be inserted, namely:— " 178-A. Declaration of litter-free zone.— (1) The council may, by notification in the District Gazette, declare any area, within the limits of the municipality, as a litter-free zone. (2) Upon such declaration, no person shall allow or pass or throw away any refuse, substance, effluent, waste, solid waste, rubbish or garbage into any litter-free zone except into the receptacle provided in that area. (3) Where any person violates any of the provisions of sub-section (2), the Commissioner may impose a fine not exceeding rupees five hundred: Provided that no fine under this sub-section shall be imposed unless the person affected has had a reasonable opportunity of showing cause against such imposition." 36. In section 199 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:— "(2) The council may also make provision in the by-laws and regulations to impose fine not exceeding rupees five thousand for violation of such by-laws and regulations in accordance with such rules as may be prescribed." (By order of the Governor) K. PARTHASARATHY, Secretary to Government, Law Department. PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, CHENNAI ON BEHALF OF THE GOVERNMENT OF TAMIL NADU Amendment of section 176. Insertion of new section Amendment of section 199. (DTP) IV-2 Ex. 0.629] WENT TO BE TAMIL NADU 2000 I. [Regd. I Price : No. TN/ChieIPMG.3&i&ew Rs. 1-20 GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY CHENNAI, SATURDAY, SEPTEMBER 9, 2000 Aavani 25, Vikkrama, Thiruvalluvar

Aandu—2031 Part IV—Section 2 Tamil Nadu Acts and Ordinances. The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 5th September 2000 and is hereby published for general information:— ACT No. 26 OF 2000. An Act 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 Fifty-first Year of the Republic of India as follows: PART-I PRELIMINARY. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2000. (2) It shall come into force on such date as the State Government may, by notification, appoint. Short title and commencement. (DTP) IV-2 Ex. (629)- 92 Insertion of new section 326-J. Insertion of new section 285-J. 5 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY PART-11 AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919

2. After section 326-1 of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:—Prohibition of erection of certain hoardings.—Notwithstanding anything "326-J. contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,— (a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice: Provided that such time shall not exceed fifteen days from the date of issue of such notice; (ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue; (b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 326-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person; (ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice. PART-III AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

3. After section 285-1 of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:—"285-J. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,— (a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the executive authority shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice: Tamil Nadu Act IV of Tamil Nadu Act V of 1919 Tamil Nadu Act 15 of 1920 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY Provided that such time shall not exceed fifteen days from the date of issue of such notice; (ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the executive authority shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue; (b) (i) where the executive authority is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 285-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person; (ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the executive authority without any notice. PART-IV AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971

4. After section 410-1 of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely: "4 IO-J.Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or

order of any court, tribunal or other authority,— (a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice: Provided that such time shall not exceed fifteen days from the date of issue of such notice; (ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue; (b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 410-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person; (ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice. ". 93 Insertion of new section 410-J. 94 005 Insertion of new section Insertion of new section TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY PART - V AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981. 5 After section 4 10-1 of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:— "4 IO-J. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority, (a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice: Provided that such time shall not exceed fifteen days from the date of issue of such notice; (ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue; (b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under section 410-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person; (ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice. ". PART - VI AMENDMENT TO THE TAMIL NADU URBAN LOCAL BODIES ACT, 1998

6. After section 13 1 of the Tamil Nadu Urban Local Bodies Act, 1998, the following section shall be inserted, namely: "131-A. Prohibition of erection of certain hoardings.—Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority,— (a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereafter in this section referred to as the amendment Act), the Commissioner shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice: Provided that such time shall not exceed fifteen days from the date of issue of such notice; Tamil Nadu Act 25 of Tamil Nadu Act 9 of 1999. t) TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the Commissioner shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue; (b) (i) where the Commissioner is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of

traffic, he shall not grant any licence under section and no such hoardings shall be erected, on and from the date of the commencement of the amendment Act by any person; (ii) where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the Commissioner without any notice. Explanation.—For the purpose of this section, "hoarding" shall have the same meaning as in the Explanation under sub-section (9) of section 131 (By order of the Governor) K. PARTHASARATHY, Secretary to Government, Law Department. PRINTED AND PUBLISHED BY THE DIRECTOR OF STATIONERY AND PRINTING, CHENNAI ON BEHALF OF THE GOVERNMENT OF TAMIL NADU (DTP) IV-2 Ex. 2001 [Regd. No. TN/ChiefPMG-30W2001. Price : Re. 0.80 Pnlse. ND, 562] Taruill Nat-ill TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY CHENNAI. MONDAY, AUGUST 20, 2001 Aavani 4, Vishu, Thiruvalluvar Aandu—2032 Part IV—Section 2 Tamil Nadu Acts and Ordinances. The following of the Tamil Nadu Legislative Assembly received the assent of the President on the 14th August 2001 and is hereby published for general information:— ACT No. 10 OF 2001. An Act further to amend the Laws relating to Municipal Corporations and Municipalities in the State of Tamil Nadu. Enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-first Year of the Republic of India as follows:— PART-I. PRELIMINARY. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Short title and commence, Act, 2000. (2) It shall come into force on such date as the State Government may, by notification, appoint. AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919. In section 544, of the Chennai City Municipal Corporation Act, 1919 (hereafter in Amendment or section this Part referred to as the 1919 Act), after sub-section (4), the following sub-sections shall be added, namely:— "(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the Principal Judge, City Civil Court, Chennai, finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded. (6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Principal Judge, City Civil Court, Chennai for trial." 3. In section 59 of the 1919 Act, the following section shall be inserted, namely:— "59-A. Voting machine at elections.—Notwithstanding anything contained in this act or the rules made thereunder, giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the State Election Commission may, having regard to the circumstances of each case, specify. Explanation.—For the purpose of this machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made (hereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election." PART-III. AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920, Insertion of 4. After section 43-C of the Tamil Nadu District Municipalities Act, 1920 (hereafter in new section this Part referred to as the 1920 Act), the following section shall be inserted, namely:— "43-D. Voting machine at elections.—Notwithstanding anything contained in this act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of a Municipality as the State Election Commission may, having regard to the circumstances of each case, specify. Explanation.—For the purpose of this machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election." Amendment of section 5. In section 51-A of the 1920 Act, after sub-section (4), the following sub-sections shall be added, namely:— "51-A. (5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion" unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded. (6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial." Amendment of section PART-IV. AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT,

6. In section 60-A of the Madurai City Municipal Corporation Act, 1971 (hereafter in Tamil Nadu Act V of Tamil Nadu 1971 - this Part referred to as the 1971 Act), after sub-section (4), the following sub-sections shall be added, namely:— "(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded. **TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY** (6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial." 61 Tamil Nadu Act 9 of 1971. After section 66 of the 1971 Act, the following section shall be inserted, namely:— **Insertion of new section "66-A. Voting machine at elections.—**Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the State Election Commission may, having regard to the circumstances of each case, specify. **Explanation.—**For the purpose of this section "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election." **PART-V. AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.** 8. In section 62-A of the Coimbatore City Municipal Corporation Act, 1981 (hereafter Amendment or section in this Part referred to as the 1981 Act), after sub-section (4), the following sub-sections shall be added, namely:— "(5) The trial of an election petition shall, so far as is practicable consistently with the interest or justice in respect of the trial, be continued from day to day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded. (6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial." **Insertion of new section "68-A. Voting machine at elections.—**Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the State Election Commission may, having regard to the circumstances of each case, specify for the purpose of this section "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election." **PART-V. AMENDMENTS TO THE TAMIL NADU URBAN LOCAL BODIES ACT, 1998.** Amendment In section 9 of the Tamil Nadu Urban Local Bodies Act, 1998 (hereafter in this Part of section referred to as the 1998 Act), in sub-section (i), for the expression commencing with the words "any amendment, by way of inclusion" and ending with the words "Tamil Nadu State Election Commission", the following expression shall be substituted, namely:— "any amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for election in any municipality." **Insertion of new section "10-A. Voting machine at elections.—**Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines may be adopted in such ward or wards of the Corporation as the Tamil Nadu State Election Commission may, having regard to the circumstances of each case, specify. **Explanation.—**For the purpose of this section "voting machine" means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election." 12. In section 30 of the 1998 Act, after sub-section (4), the following sub-sections shall be added, namely:— "(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from day to day until its conclusion, unless the Principal District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded. (6) Every election petition shall be tried as expeditiously as possible and

endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Principal District Judge for trial." (By order of the Governor) M. BAULIAH, Secretary Government, Local Department. nif AND PRINTING.

