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**GOVERNMENT OF
TAMIL NADU
1999**

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**TAMIL NADU
GOVERNMENT GAZETTE**

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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:-

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 for matters connected therewith and incidental thereto.

BE 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.

Short title extent and commencement 1. (1) This Act may be called the Tamil Nadu Urban Local Bodies Act, 1998.

(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 notification, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,—

(1) “ appoint ” includes to appoint temporarily or in an officiating 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 foundations ; 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 efflux 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 municipality, the Chairperson and Vice-Chairperson, respectively; and

(c) in relation to a town panchayat, the Chairperson and Vice-Chairperson respectively ;

7. “ Commissioner ' means-

(a) in relation to a municipal corporation and a municipality, the Commissioner of the municipal corporation or municipality, as the case may be ; and

(b) in relation to a town panchayat, the Executive Officer of the town panchayat;

(8)“committee” means the Standing Committee, Wards Committee or other committee constituted under this Act ;

(9) “company” means-

(a) any company as defined in the Companies Act, 1956,-including foreign company within the meaning of section 591 of the Act;

(b) any body corporate , or

(c) any firm or association, whether 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 ;

(10) “council” means the council of the municipal corporation, municipal), or town panchayat, as the case may be;

(11) “councillor” means the councillor elected to a municipal corporation municipality or town panchayat, as the case may be ;

(12) "date of the commencement of this Act ” means the date appointed under sub-section (3) of section 1 ;

(13)“ Director” means,—

(a) in relation to a municipal 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 Administration appointed by the Government ; and

(c) in relation to a town panchayat, the Director of town Panchayat 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 condiments;

(16) “Government” means the State Government;

(17) “infectious disease” shall have the same meaning as in section 52 of the Tamil Nadu Public Health Act, 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 deemed to have been constituted under this Act ;

(20) “municipal area” means the territorial area of tie municipality as it notified by the Governor under clause (d) of Article 243-P of tie Constitution;

(21)-municipal office ” means the principal office of the municipality;

(22) “ nuisance ” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity, or 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 rent 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 occurring by efflux of time and 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 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 causeways 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 these 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 to, or within three

metres of, the ground adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down as to leave only the frame work *at* the lowest storey;

(c) the conversion into a dwelling-house or a place of public worship of a *building not* originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of dwelling-house into a factory;

(d) the re-conversion into a dwelling-house or a place of public worship or factory of any building which has been discontinued as, or appropriated for an, purpose other than a dwelling house or a place of public worship or a factory 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 ;

(34) “residence ”—“reside ”—a person is deemed to have his "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 “ solid waste ” ;

(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 ;

(37) “ sanitary-worker ” means a person employed in collecting or removing rubbish or solid waste or in cleansing drains, latrines, or slaughter-houses or in driving carts used for the removal of rubbish or solid waste ;

(38) “ Scheduled Castes ” shall have the same meaning as defined in the Constitution ;

(39) “ Scheduled Tribes ” shall have the same meaning as defined in the Constitution ;

(40)“ solid waste ” means—

(a) nightsoil and other 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 other 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 ” means the Tamil Nadu State Election Commissioner referred to in section 5 ;

(44) “Tamil Nadu State Election Commission” means the Tamil Nadu State Election Commission referred to in section 5 ;

(45) “ urban local body ” or “ local authority ” means the municipal corporation or municipality or town panchayat, as the case may be :

(46) “ward” means the ward of a municipal 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 ;

(48)“ward office” means an office appointed by the Government for the ward office at the municipal corporation or municipality ;

(49) “ wards committee ” means the wards committee referred to in section 36 ;

(50)“ water-course ” includes any river, stream or channel whether natural or artificial ;

(51)“year” means the financial year.

CHAPTER II.

CONSTITUTION AND RECONSTITUTION OF MUNICIPALITY.

Constitution of Municipality. 3. (1) The Governor may, by notification, having regard to the population of I 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 the 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 the last preceding 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 income” means the average income of a panchayat constituted under the Tamil Nadu Panchayat Act, 1994 or of a municipality for the last three consecutive years.

(2) (a) The Governor may, by notification, declare his intention,—

(i) to include within the municipality any local area contiguous thereto and defined in such notification; or

(ii) to exclude from the municipality any local area comprised 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 (1), 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 submit 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) shall consider all such objections and forward all such objections together with his recommendations thereon to the Governor within fifteen days from the date of receipt of such objections.

(d) The Governor may, after considering the objections and recommendations received under clause (c) declare, by notification, the inclusion within, or exclusion from, the 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 of that area and any penalty, forfeiture or punishment incurred, in respect of any offence committed against the said Act, or any investigation, legal proceedings or remedy in respect 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.

(g) Any person aggrieved against the notification published by the Governor under clause (d) 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 force, is constituted as or included in a municipality, the Government may pass 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 institutions, and as to the transfer or retention of the officers 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 immovable, 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 Town Panchayats, Municipalities and Municipal Corporations. 4. (1) On and from the date of the commencement of this Act,—

(a) the Town Panchayats and Municipalities constituted under the Tamil 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 Municipal Corporation of Tirunelveli constituted under the Tirunelveli City Municipal Corporation Act, 1994 ; and

(vi) The 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 hereby declared to be the Municipal Corporations by the aforesaid names and in their respective municipal area.

(2) Any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made or issued or imposed under the Acts referred to in sub-section (1) in respect of such municipality which were in force as applicable immediately before the date of the commencement of this Act shall continue to be in force and be deemed to have been made, issued or imposed under the provisions of this Act unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made or issued or imposed under this Act.

CHAPTER III.

CONDUCT OF ELECTIONS.

Election to Municipality. 5. The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the municipality, shall be vested in the 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.

Powers of Tamil Nadu State Election Commission. 6. (1) Where in connection with the tendering of any opinion to the Governor, the Tamil Nadu State Election Commission considers it necessary for proper to make an inquiry and the Commission is satisfied that on the basis of the affidavits filed and the documents produced in such inquiry by the parties concerned of their own accord, it cannot come to a decisive opinion on the matter which is being inquired into, the Commission shall have for the purposes of such inquiry, the powers of a civil court, while trying a suit 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 document or other material object produceable as evidence ;

(c) receiving evidence on affidavits ;

(d) requisitioning 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 judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code.

Fixation of total number of councilors of municipality. 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 so fixed under subsection (1) shall not be altered till next succeeding census figures are published either by the Central or the State Government.

Delimitations of wards 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 for the delimitation of the wards of the municipality and publish the same in such manner as may be prescribed.

(2) On such 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 is 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 not more than five years before the general election to the municipality.

Preparation of Electoral roll. 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 all 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) 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 lid 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 enter ion 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.

Restriction to contest in more than one ward. 11. 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 notj.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 as Chairperson.

Qualification and disqualification for being elected as councillor or Chairperson. 12. (1) No person shall be qualified for being elected as for 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 foe election as a councillor or Chairperson must have paid all amount due to the municipality.

(4) 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 elected as a councillor or Cham person if such person is, on the date of filing the nomination,—

(a) of unsound mind and is. declared so 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 any work being done for the municipality except as a shareholder (other than a director) m a company;

Explanation.—For the purpose of this clause, the expression “family” in relation to a person means a person, the wife or husband, as the case maybe, of such person and the sons, daughters in law, unmarried daughters, brothers, unmarried sisters, father and mother:

Provided that a person shall not be deemed to have any interest in s 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 agreement of money only ;

(iii) any newspaper in which any advertisement relating to the ai 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 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 performed its part of the contract either wholly or in part ;

(d) employed as paid legal practitioner on behalf of the municipality] or as legal practitioner against the municipality ;

(e) a representative or office bearer of any association or union or presenting or purporting to represent, any section of the municipal establishment or any class of employees of the municipality;

(f) 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 fiducial 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 .

(i) 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 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 shall be disqualified for being elected as a councillor or Chairperson.

ELECTION OFFENCES

Infringement of secrecy of election.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.

Minimum penalty for personation at an election. 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.

Promoting enmity between classes in connection with election. 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, with fine or with both.

Prohibition of public meetings on the day preceding the election day and on the election day. 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.

Disturbances at election meetings. 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 reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Restrictions on printing of pamphlets of posters. 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 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.

Officers, etc. elections not to act for candidates to influence voting.19. (1) No person who is a returning officer, or an assistant returning officer, or a presiding or polling officer at an election, or an officer or 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 candidate.

(2) No such person as aforesaid, and no member of a police force, 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 section (2) shall be punished with imprisonment for a term which may extend to months or with fine or with both.

Prohibition of canvassing in or near polling stations. 20. (1) No person shall, on the date or dates on which a poll is taken at a polling station, commit any of the following acts within the polling station or in 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 official notice relating to election),

(2) Any person who contravenes the provisions of sub-section (1) shall *be* punished with fine which may extend to two hundred. art fifty rupees.

(3) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling stations. 21. (1) No person shall, on the date or dates on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or any public or private place in the neighbourhood there, 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 contraventions 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 shall 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 (0) and may seize any apparatus used for such contravention.

Explanation.—In this section and in section 22, the expression “polling officer” means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

Penalty for misconduct at polling station. 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 (1) 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.

Penalty for hiring or procuring of vehicles for conveyance of voter at election. 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 any vehicle or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station:

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 joint 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 use, 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.

(3) Any ballot paper found upon the person arrested on search shall be over for safe custody to a police officer by the presiding officer by, or when the 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 and penalties. 26. (1) No person at an election shall—

a) fraudulently deface or destroy any nomination paper; or

b) fraudulently deface, destroy or remove any list, notice or other do affixed by or under the authority of a returning officer; or

c) fraudulently deface or destroy any ballot paper or the official m; any ballot paper ; or

d) without due authority supply any ballot paper to any person or re 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 which he is authorised by law to put in ; or

f) without due authority destroy, take, open or otherwise interfere 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 any 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

Prosecution regarding certain election offences. 27. No court shall take cognizance of any offence punishable under section 24 or under section 25 or under clause (a) of sub-section (2) of section 26 except on a complaint in writing, by order of or under authority from the Government.

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 buildings belonging to the Central or State Government or the local bodies or educational institutions, requisition on such buildings or vehicles at such rates as it deems fit for the purposes of conducting the elections.

Corrupt practices. 29. The following shall be deemed to be corrupt practices in relation to an election 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, or in relation to the candidature, or withdrawal from contest of any 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 :

(6) 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 or vessel 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.

(6) 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.

(9) Any other practice which the Government may, by rules, specify to be a corrupt practice.

DISPUTES REGARDING ELECTIONS.

Election Petitions. 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 any returned candidate individually or jointly

(3) A petitioner under sub-section (2) shall implead all the candidates at the election as respondent to his petition.

(4) An election petition,—

(a) shall contain a concise statement of the material facts on which the petitioner relies.-

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election in question is challenged; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.

Grounds for declaring elections to be void. 31. (1) Subject to the provisions of sub-section (2), if the Principal District Judge after hearing the contesting parties is of opinion:—

(a) 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

(b) that any corrupt practice has been committed by a returned 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 the 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 on 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.

Disqualification of chairperson or councillor. 32. (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 sub-section (4) of section 12;
- (b) is convicted of an offence punishable under the protection of Civil Rights Act, 1955. (Central Act XVII of 1956)
- (c) becomes a unsound mind;
- (d) is an insolvent or applies to be adjudicated as an insolvent;
- (e) subject to the proviso to clause (c) of sub-section (6) of section 12, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the municipality ;
- (f) is being employed as paid legal practitioner on behalf of the municipality or accepts employment as legal practitioner against the municipality;
- (g) becomes a representative or officer 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;
- (h) is disqualified under section 12 ;
- (i) ceases to reside in the municipality ;
- (j) fails to pay arrears of any kind due by him (other wise than in a fiduciary capacity) to the municipality within three months after a bill, notice or direction has been served upon him under this Act or where in the case of any arrear under this Act, does not require the service of any bill, notice or direction within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the Commissioner to serve at the earliest possible date) has been duly served upon him by the Commissioner; or
- (k) ceases to be a voter in the municipality in which the councillor or the Chairperson was elected to such office provided that the deletion of his name from the electoral roll is on his own volition.

(1) fails to attend the meetings of the council for a period of three consecutive meetings beginning from the date of the commencement of his terra 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 convection 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 sub-section (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 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, the matter 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 in this behalf and such restoration shall not be made for more than twice during his tenure of office.

Oath or affirmation to be made by Chairperson and councillors. 33. Notwithstanding anything contained in the Oaths Act, 1969, every person who is elected to be a Chairperson or a councillor shall before taking his office or seat, make at a meeting of the council an Oath or affirmation in accordance with the manner prescribed.

Resignation of Chairperson, Councillor and member and Chairperson of Committee.34. (1) The Chairperson may resign his office by giving notice in person and in writing to the Commissioner. The Com Commissioner shall, after verifying the Bona- fide of such notice, convene a social meeting of the council within seven days from the date of receipt of such notice and place it before the Council and such special meeting shall be presided over by the Deputy Chairperson or in his absence by any one of the councillors present at that meeting and elected by the councillors present at that meeting. Such resignation shall take effect from the date on which it is placed before the special meeting of the council.

(2) The Deputy Chairperson or any councillor other than the Chairperson or any member or Chairperson of any Committee may resign his office by giving notice in person and in writing to the Chairperson. The Chairperson shall, after verifying the bonafide of such notice, within a period of five; days from the date of receipt of notice, accept such resignation. Such resignation shall take effect from the date on which it is accepted by the Chairperson.

Decision on question of disqualification of councillor or Chairperson.35. (1) Whenever it is alleged that any person who has been elected as a councillor or Chairperson is disqualified under section 12, or section-31 or section 32 and such person does not admit the allegation or whenever any councillor or chair person 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 Commissioner, at the request of the council or Chairperson or a direction from the Government, shall apply to the Principal District Judge of the District *in* which the municipality is situated.

(2) The said Principal District Judge after making such inquiry as he deems necessary shall determine whether or not such person is disqualified under section 12, section 31 or section 32.

(3) 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.

Municipal Authorities. 36. For the efficient 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.

Constitution of Council. 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) election councillors, including Chairperson:

(ii) 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; end

(iii) the members of the council of States, who are registered as elector within the area of the municipality :

Provided that the member referred to in clauses (if) 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 (ii) 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- office as councillor.

(3) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in *every* municipality and the number Of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seat: 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.

(6) 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 municipality 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.

Reservation of offices of Mayor in Municipal Corporation for members of Schedules Castes or Scheduled Tribes and for women. 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 or the Scheduled Tribes 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 for 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 percentage 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 one (one) 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 allowed 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. Reservation of offices of Chairperson in municipalities and town panchayats.- (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 person belonging to the Scheduled Castes to the Scheduled Tribe which shall not be less than one third of the total number of office reserved for the Scheduled Castes and the Scheduled Tribes.

(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.

(3) *The* reservation of offices 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.

(4) (a) The offices of the chairperson of the town panchayats 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 the State as the population of the Scheduled Castes in all the town panchayats in the State or the Scheduled

Tribes in all the town panchayats in the State, bears to the total population of 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 offices 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.

(5) 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.

(6) The reservation of offices of the Chairpersons under sub-section (4) shall cease to have effect on the expiration of the period specified in Article 334 Of the Constitution.

Powers and functions of Council.40. (1) 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 water supply schemes required for domestic, industrial or commercial purposes, except in the municipality where there is a separate authority to which such functions are assigned;

(iii) protection of public ponds and fountains;

(iv) maintenance of sewerage and drainage schemes except in the municipality where there is a separate authority to which such functions are assigned;

(v) destruction of stray dogs;

(vi) mosquito control;

- (vii) 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;
- (ix) licensing of eating establishment;
- (x) disposal of unclaimed corpses of carcasses of animals;
- (xi) establishment of public comfort stations, latrine and bathing places;
- (xii) construction and maintenance of parks, gardens, play grounds, traffic 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 vehicles including taxies and autorickshaws;
- (xvii) public health matters including vaccination and inoculation;
- (xviii) maintenance of public markets, shopping complexes, bus stands, rest houses;
- (xix) solid waste management;
- (xx) 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) organization 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 the following 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;
- (x) 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;

- (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, of any other committee. such powers other than those expressly 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 constituted under the Tamil Nadu Panchayats Act, 1994.

Constitution of joint committee, or special committee.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.

Resolution and orders of Council. 42. (1) The Commissioner shall give effect to every resolution or order of the council unless such resolution or order is modified, suspended or Cancelled 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 or 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 implementation of such resolution or order relating to the municipality, he shall refer within a period of not less than seven days from the date of passing such resolution 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 n ll. h 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 or er:

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.

(4) Where the Director is of the opinion that in respect of any resolution referred to him under sub-section (2) or involves a matter of g eat public interest or would adversely affect any interest of the Government, he may for seasons to be recorded in writing, refer the matter to the Government and the decision of the Government therein 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 .i\$ likely.to cause danger to human beings health or safety or is likely to. lead to a riot or an affray, he may suspend such resolution, older, licence or permission, as the case may be, and report to the Director who may there upon, after giving the 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.

Duties and powers of council. 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.

Chairperson of Municipality. 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.

Powers and duties of Chairperson. 45. The Chairperson of a municipality shall,—

(a) convene and preside over all the meetings of the council :

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;

(b) exercise all the powers and perform all the duties conferred or imposed on him under this Act;

(c) co-ordinate with the Commissioner and committees constituted under this Act in the manner prescribed;

(d) have the power to inspect any municipal work, project or other scheme

(e) 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;

(f) 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

(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.

Deputy Chairperson of municipality 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 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 for assumption of office and the term expires on the expiry of the term of the council.

(3) 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 any of the powers or functions vested under this Act with the approval of the council, subject to such conditions as may be specified therein to the Deputy Chairperson.

(5) In the event of the occurrence of any vacancy in the office of the Chairperson by 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.

(6) (a) When the Chairperson is unable to discharge his functions *owing to* absence or illness or for any other cause, the Chairperson may, 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 for any other reason, the powers and functions of the Chairperson shall devolve on the Deputy Chairperson till such time the Chairperson resumes his duties.

Delegation of functions of Chairperson to councillor in absence of Deputy Chairperson.47. During the first meeting of the council or from time to time, the council may nominate from among the councillors, a panel of three councillors and one of whom, in the order of their names Mentioned in the panel, shall exercise the powers and perform the duties of Chairperson subject to such terms and conditions as may be specified by the council until such time the Chairperson or Deputy Chairperson, as the case may be, resumes his duties, where for any reason, to Chairperson and Deputy Chairperson are unable to discharge their functions owing to their absence or illness or away from the headquarters

Payment of honoraria, fees, or allowances to chairperson, Deputy Chairperson and councillor.48. (1) From out of the municipal funds, such honoraria, fees or allowances as may be determined by the Government may be paid to Chairperson, Deputy Chairperson 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) Notwithstanding anything contained in this Act, the receipt by any person of honorarium, fee or allowance as Chairperson, Deputy Chairperson or councillors as aforesaid, shall not disqualify him for being elected as, or for being a councillor Chairperson or Deputy Chairperson.

Constitution of wards committee.49. (1) There shall be constituted by the Government, by notification, such number of wards committees comprising territorial area of such number of wards as may be specified in the notification

within the territorial area of the municipality having a population of three lakhs or more and each wards committee shall consist of contiguous-Wards.

(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, by notification, 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 before the expiry of the term of wards committee and such altered wards committee shall consist of contiguous wards.

Dissolution of council.50. (1) If, in the opinion of the Government,—

(i) the municipality is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceed or abuses its power; or

(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-section (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 notification and if no date is specified in the notification, from the date of publication of the notification and thereupon the following consequences shall ensue,—

(a) all the members of the council as well as the Chairperson, and 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 ;

(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.

(7) The Government may reconstitute the Council before the expiry of the period notified under sub-section (1),

(8) All the newly elected councillors of the reconstituted municipality shall enter upon their offices on the date fixed for its reconstitution and they shall hold their offices only for the remainder of the period for which the dissolved municipality would have continued 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.

Motion of no confidence against Deputy Chairperson. 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 'any two of the 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 strength of the 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 subsection (4) or if the motion is not carried out by a majority as specified in subsection (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.

Removal of councillor or Chairperson. 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 willfully 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 has 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.

(2) The meeting convened for considering the motion under this section shall not be adjourned except for the reasons to be recorded in writing.

(3) When the meeting has been convened, the officer presiding over the meeting shall verify whether three fourth of the total strength of the elected councillors on date are present at the meeting. If three fourth of the total strength 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.

(4) If the motion is carried out by three fourth of the total strength of the elected 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 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, 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 the case may be.

(5) If the meeting could not be held for want of quorum referred to in sub-section (3) or if the motion is not carried out by a majority as specified in sub-section (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 Chairperson or councillor shall be entertained 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.

Saving of validity of proceedings. 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 member 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 member 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.

Appointment of Special Officer of Municipality. 54. (1) The Government may, by notification, appoint District Collector concerned or a Senior Officer of the Indian Administrative Service as a Special Officer of a municipality to exercise the powers and perform the functions of any 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 direct receive allowances for his services from the municipal 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 Officer appointed under sub-section (1).

Powers of Government and collector for purposes of control. 55. (1) The Government may either on their own motion or on an application direct the council or the Commissioner to produce any record, plan, statement, accounts, statistics or any other document relating to any matter connected with the municipality or to furnish any information so as to satisfy themselves as to the i regularity of any proceeding or the legality or propriety of any decision taken or Order passed by the council under this Act and in any case if it appears to the Government that any such proceeding or decision or order passed by the council should be modified, annuled, reversed or remitted for reconsideration they may pass orders accordingly :

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.

(2) The Government may also authorise the Director, Regional Director or any outer officer to inspect or examine any office or work relating to any

municipality or any department therefor 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 Corporations.—

- (a) call for any document in the possession or under the control of any council or Commissioner ;
- (b) require any councilor Commissioner to furnish any return, plan, estimate, statement, accounts or statistics;
- (c) require any Councilor Commissioner to furnish any information or report on any municipal matter ;
- (d) record in writing, for the consideration of the councilor 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 council.

(5) 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 *necessary* 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 the Municipal fund.

APPOINTMENT OF COMMISSIONER AND CONSTITUTION OF MUNICIPAL SERVICE.

Appointment of Commissioner or executive officer of municipality.

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.

Power of Commissioner of municipality. 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 hereinafter imposed 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 the said bodies 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 Chairperson except those addressed by him demi-officially and all correspondences received by him other than those received by him demi-officially shall be placed before the Chairperson for perusal and for any endorsement on such correspondence. The Chairperson shall return such correspondence to the Commissioner within such time as may be prescribed.

(6) The Commissioner shall be the appointing authority for all Class IV posts and to the posts in Classes II and III as delegated to him by the Government.

(7) The Commissioner may in cases of emergency direct the execution of any work or the 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 of account 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 under this section and the reasons therefor to the council at its next meeting.

(10) 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.

Constitution of Municipal service. 58. (1) The Government may, by notification, constitute common municipal services and frame rules for the employees of the municipalities, namely ;—

- (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, qualifications, disciplinary proceedings, 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 or giving due effect to any transfer made under clause (a).

Municipal establishment 59. (1) The municipal establishment shall consist of the following classes of officers, namely :—

Class-I-All Head of Departments in the municipality.

Class-II-All officers who are immediately next in rank to Class-1 officer.

Class-III-All others (not being persons holding posts in a service classified by the Government as basic service) appointed to serve under the municipality.

Class-IV-All persons holding posts in the service classified by the Government as basic service.

(2) 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 Classes II and III as delegated by the Government shall be made by the Commissioner.

(4) The Selection Committee referred to in sub-section (5) shall subject to such rules and guidelines issued by the Government from time to time select persons for appointment to the posts included in Classes-III and IV and all such appointments shall be made by the Commissioner.

(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 shall have no application to employees of town panchayats.

Method of recruitment.60. (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 act vises 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 selection to the pests 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.

Fixation of cadre strength and creation of posts. 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 conditions as may be specified in the said order.

(5) Notwithstanding the cadre strength fixed by the Director under 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,

CHAPTER V.

FINANCE AND BUDGET,

Municipal fund. 62. (1) All monies received by a municipality shall constitute a fund which shall 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 the amount payable to the municipality by the Government by way of grant

Appointment of Auditor of accounts.63. (1) The Government shall appoint auditors for auditing the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed 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 J limit prescribed.

64. Authorised Expenditure. 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:

Form, effect and payment of debentures. 67. (1) All debentures issued under this Chapter shall be in such form as the Council, with the previous sanction of the Government may determine and shall be transferable in such manner as shall be therein expressed and the right to sue 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 such 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.

Maintenance and investment of sinking fund. 68. (1) The municipality shall maintain sinking fund for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments 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.

Priority of payments of interest and repayment of loans over other payment. 69. 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.

Preparation of budget. 70. (1) The Commissioner shall, in consultation with the Chairperson and wards Committees wherever such wards committees exist having regard to all the requirements of this Act and in accordance with the guidelines issued *by* the Government, 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 may append thereto a report indicating whether the following 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 population 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 remark"-.

(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 promined local Tamil newspaper the important features of the budget and the details of the *work* programmes in accordance with the rules as may be Prescribed, not later than 31st day of July of that financial year.

71.Preparation of supplemental budget and final modification and appropriation. 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.Constitution of Finance Commission. (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,-

(i) the distribution between the Government and the municipalities of the net proceeds of taxes, duties, tolls and fees leviable by the Government and which are to be apportioned between the municipality and the Government;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the municipality:

(iii) the grants-in-and 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 sound finance 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.

CHAPTER VI.

PROPERTY, WORKS, TAXATION, LICENCE AND FEES.

PROPERTY AND WORKS

73.Acceptance of trust properties. The council may accept,-

(i) any sum of money from individuals or trusts on issuing a receipt for the same by the Commissioner; and

(ii) any property, given in trust for the purpose of any of the functions of the municipality and which may bring income to the municipality and the acceptance of which would not result in any loss to the municipal fund.

74.Power to acquire land for municipality. (1) Any land required to be used for the affairs of the municipality shall be deemed to be a land needed for a public purpose as provided for under the Land Acquisition Act, 1894 and may be acquired by the council under the said Act.

(2) The council may acquire any land of building, the value of which does not exceed the amount as may be notified by the Government. The Government may notify different monetary limit for different municipality.

75.Entrustment of any work to municipality not provided for under this Act. 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 provided for under this Act and if shall there upon be lawful for the council to undertake such management or execution of such work, subject to such terms and conditions as may be mutually agreed to:

Provided that in every such case, the finds required for such management of execution of such works shall be placed at the disposal of the council by the Government.

76.Powers of several authorities of municipality to sanction estimates. The monetary limit for sanction of any estimate by several authorities of the municipality shall be such as may be prescribed and such monetary limit shall not exceed five crore of rupees.

77.General Provisions regarding contracts.- (1) The Council may enter into and perform all such contracts as it may consider 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.

(3) Every contract entered into by or on behalf of the Council 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 performance of every contract into which he 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.Sale and licensing of movable and immovable properties belonging to municipality. (1) The Council may dispose of any movable 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 any 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 a 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 case of 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 at the time of granting such licence ;

(ii) the licence fee for the second year shall be the licene 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 percept of such fee and be paid at the beginning of the third year.

79. Maintenance of assets register.- The Commissioner shall cause to be maintained an assets register which shall contain particulars regarding all lands and buildings belonging re the municipality together with names of persons in favour of whom any licence is granted and such other details pertaining to such lands and buildings. An up to date copy of the list of assets shall be placed annually before the Council and a copy of such list shall also be kept in the office of the Regional Director and the Director.

TAXATION.

80. Taxes to be levied by council.- (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 transfer of property.

(2) The levy, assessment and collection of taxes mentioned in sub-section (1) shall be in accordance with the provisions of this Act and the rules made thereunder ;

Provided that the provisions of this section shall not apply in respect of clauses (b) and (c) of sub-section (1) to any municipality to which the Chennai Metropolitan Water Supply and Sewerage Act 1978 applies.

81. Procedure for imposing taxes.- (1) For the purpose of imposing a tax under this Act, the Council shall pass a resolution determining the levy of tax specifying the rate at which and the date from which such tax shall be levied.

(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 pieced 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 maybe prescribed calling for any objections and suggestions from the taxpayers of the municipality 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.

(4) On the expiry of the period prescribed, the Council shall consider the objections and suggestions received in regard to the proposed levy, increase or change in the mode of levy or manner of collection and pass necessary resolution approving the proposal with or without modification.

82.Levy of property tax. (1) The property tax shall be levied on all buildings and lands within the 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 ;
and

(c) in relation to any building or land, in the event of death of the person primarily liable to the payment of property 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 assessment 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 or land.

(4) If any 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 prepared 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 (5) 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.

(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 within or upon such building or land and belonging to the person liable to pay property tax.

83. Minimum and maximum basic property tax, additional basic property tax, etc.- 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.Determination of basic property tax, additional basic property tax, etc by council. (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 verandah, 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.

(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 of the building shall be classified into different groups as follows, namely

(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.

85. Assessment and calculation of property tax.- (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 **appurtenance thereto-**

(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 and from the 1 day of October to the 31st day of March of a 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 or 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 subsection 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 not exceeding one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax.

86. General revision of property tax. 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.

87. General exemptions. The following buildings and lands shall be exempt from the property tax:—

- (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 ;

- (c) buildings used for educational purpose including hostels attached thereto and 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 ;
- (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 and archaeological sites and remains protected under the Tamil Nadu Ancient 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 municipa office ;
- (h) the bed of any river or canal or any river or canal belonging to Govern-ment and which do not provide any income to the Government or any Government land set apart for recreation 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. Collection of service charges in relation to exempted buildings. Notwithstanding the exemption granted under section 87 B it shall be open to the Council to collect any service charges for providing the civic amenities and 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. Levy and collection of water tax. 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. Levy and collection of Sewerage tax. 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. Levy and collection of educational tax. The Council may levy education tax within it area at such rate not exceeding five percent of the property tax as the council may determine, and collect such tax in such manner, as may be prescribed.

92. Levy and collection of advertisement. Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoardings or structure any advertisement, or who displays any advertisement to public view in any manner whatsoever n any places whether public or private, in the municipal limit shall pay on every advertisement which is so erected, exhibited, fixed, retained or displaced io public view, a tax calculated at such cites and in such manner as the Council may, determine an accordance with such rule as may be prescribed:

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 3

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 with in 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 I—For the purpose of this section the word “structure” shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation II—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 “sky-sign” shall also include any balloon, parachute or other similar device employed wholly or in part or the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(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, which 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, platform or station approach belonging to a railway administration, and so placed that cannot fall in any street or public place ; or

(c) any notice of land or building to be sold, or 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.—For the purpose of this section, the expression “advertisement” shall not include any advertisement published in any newspaper.

93. Prohibition of advertisements. 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 the 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. Duty on transfers of property. (1) 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) at such rate as may be fixed by the Government not exceeding five percent, on the amount specified below against such instrument :—

Description of instruments.	Amount on which duty should be levied.
(1)	(2)
(i) Sale of immovable property .	. The market value of the 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.
(ii) Exchange of immovable property.	The market value of the property of the greater value 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.
Gift of immovable property.	The market value of the property as set fort in the instrument or as determined by any authority under section 47-A of the Indian Stamp Act, 1899 as the case may be.
(iv) Mortgage with transfer of possession of immovable property.	The amount secured by the mortgage, as set forth in the instrument.
(v) Lease in perpetuity of frame vable property.	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

(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.

95. Power of municipality to levy tolls. (1) Notwithstanding anything contained in the Indian Tolls Act, 1851, the Council may levy tolls in respect of,—

(a) any road or bridge made, improved, repaired solely at the expense of the municipality 5 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 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 of 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 Exemption from payment of tolls. No tolls shall be paid for the passage of,—

(a) police officers on duty or of any person or vehicle in their custody;

(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. Power to assess escaped assessment. 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 fees leviable under this Chapter has escaped assessment in any half-year or year 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 the Commissioner may, at any time within six years 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. Power to rectify error apparent on the face of the record. (1) The Commissioner may, on his own motion or on an application made at any time within six months from the date of any order passed by him, rectify any r error apparent on the face of the record :

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.

99. Levy of fine. (1) Where a person fails to pay the property tax within 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.

100. Taxation appeals committee. (1) There shall be a Taxation Appeals Committee for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the Commissioner 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, in respect of any other period, by the municipality.

101. Taxation appeals tribunal. (1) There shall be one or more Taxation Appeals Tribunals (hereafter in this section referred to as “the Tribunal”) for the corporation for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the Commissioner under this Act other than the orders relating to the transfer duty.

(2) The Tribunal shall consist of a Judicial Officer who is or has been a Civil Judge (Senior Division/Chief Judicial Magistrate).

(3) The terms and conditions of the Tribunal shall be such as may be determined by the Government.

(4) The salary and other allowances payable to the Tribunal shall be borne- from the funds of 'he corporation.

(5) No appeal shall be entertained by the Tribunal unless the appellant deposits with the corporation the entire amounts as assessed by the Commissioner in the revision.

(6) (i) Every appeal filed under this section shall be entered in £a register maintained for this purpose by the Tribunal.

(ii) The Tribunal shall give to person filing an appeal a written notice specifying the place, date and time of hearing the appeals,

(iii)The Tribunal shall dispose of the appeal within five months from the date of filing of the appeals.

(iv)Any person preferring an appeal may either-appear in person' or' through an authorised agent before the Tribunal.

(v) The gist of the order passed in an appeal shall 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 appellant.

(vi) The excess amount of tax if available in view of the orders of the Tribunal will be adjusted by the Commissioner for tile property tax to be collected 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 the Principal District Judge unless the appellant deposits with the corporation the entire amount 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 of the appeal by the Principal District Judge.

(9) Where as a result of any order passed in 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, in respect of any other period, to the corporation.

LICENCE AND FEES.

102. Grant of licence. (1) No person shall carry on any trade or business, in any place whether public or private within the municipal limit without a licence granted by the Commissioner 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 fee, as may be prescribed.

(3) On receipt of such application, the Commissioner may, after inspecting the place in which the trade or business is to be carried on, grant the licence or refuse to grant the licence after giving a reasonable opportunity of being heard.

103. Levy of license fee and issue of license card. (1) The Council may determine the licence fee subject to such minimum and maximum rates as may be prescribed having regard to the nature of trade, or business or any other relevant factors for the grant of licence.

(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 subject to which the licence has been granted, are violated by the licensee.

104. Government and market committees not to obtain license and permission. Nothing in this Act or in any rule, by law or regulation made thereunder shall be construed as requiring the taking out *of* any licence or the obtaining of any permission under this Act or such rule, bye-law or regulation in respect of any place in the occupation or under the control of the Government or the Central Government or of a market committee established or deemed to be

established under the Tamil Nadu Agricultural Produce Marketing (Regulation Act, 1987, or in respect of any property belonging to the Government or the Central Government or to such market committee.

105. Grant of licence to animal and bird. (1) No person shall keep or cause to be kept or permit 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 such notification, except under, and in accordance with the conditions of a licence.

(2) Any person desiring to obtain or renew a licence shall apply to the Commissioner in such form, in such a 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, alter holding such inquiry 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.

106. Impounding of stray animals. (1) No person shall milk or cause or permit to be milked any cow or buffalo or other animal in any public street or place.

(2) No person shall allow any animal to be strayed in any public street or public places.

(3) Notwithstanding anything contained in any other law for the time *being* in force, the Commissioner may cause to remove and impound any animal being milked or any animal found straying in any public street or other public place in accordance with such rule as may be prescribed.

107. Licensing of dog and pig and power to dispose of stray dog and pig. (1) No person shall keep any dog or pig without a licence granted by the Commissioner in accordance with such rules as may be prescribed.

(2) Any dog or pig found straying in a public street or public place may be summarily destroyed by any person authorised in this behalf in writing by the Commissioner.

108. Licensing of public and private markets. (1) All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

(2) Notwithstanding anything contained in any other law for the time being in force, the Council shall establish any place to be used as a public market for sale or purchase of any commodities 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 fixed by the Council in 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 the Commissioner for a period and subject to such terms and conditions as may be prescribed.

(5) Any person or association of persons or any organisation desiring to obtain or renew a licence to establish or administer any private market shall apply to the Commissioner in such form and in such manner and accompanied by such fee as may be prescribed.

(6) On receipt of an application under sub-section (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 officer authorised by him in this behalf and if he is satisfied 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. Licensing of public resort or entertainment. (1) No enclosed place or building shall be used for public resort or entertainment within the municipal limit other than in a 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 desiring to obtain or renew a 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.

110. Maintenance of stand and shelter for vehicles. (1) The Council may for the convenience of the general public provide and maintain necessary stand and shelter to be used as halting places for vehicles and charge such fee as the Council may fix in accordance with such rules as may be prescribed.

(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** wheelers and bicycles also.

111. Collection of fee on motor vehicles entering pilgrim or tourist resort. (1) The Council may levy charges on every motor vehicle entering into any pilgrim or tourist resorts in any municipal areas for any specified period or 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 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. Provision for public wash houses, public bathrooms, latrines, and urinals. (1) The Council may construct or provide and maintain public wash houses or places for washing of clothes and may charge such rent for use of such places in accordance with such rules as may be prescribed.

(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 may be prescribed.

(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. Slaughter houses. (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. Revocation of suspension of licence. 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. Appeal. (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. Recovery of amount due to municipality. 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 thereunder 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. Write-off of irrecoverable amounts. 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.

118. Vesting of public streets and their appurtenance with municipality. (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.

(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), it shall be 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.

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

(a) not to claim compensation in the event of the Commissioner at anytime 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. Owner's obligation to make street while converting land as building sites. (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 public or private street, lay out and make a street or streets giving access to the site or sites and connecting with an existing public or private street ;

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.

(2) Any person intending to lay cut or make new private street, 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

(c) the arrangement to be made for leveling, paying, metalling, flagging, hanneling, sewerage, draining, conserving and lighting the street.

(3) The provisions of this Act and any rules or by-laws made under this Act as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (2), and all the particulars referred to in that sub-section shall be subject to approval by the Council.

(4) Within sixty days, after the receipt of any application under sub-section (2) the Council shall either sanction the making of the street on such conditions as it may think fit. or disallow it, or ask, for further information with respect to it.

(5) Such sanction may be refused,—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Council likely to be made, for carrying out any general scheme for the laying out of streets; or

(ii) if the proposed street does not conform to the provisions of this Act, rules and by-laws referred to in sub-section(3); or

(iii) if the proposed street not designed so as to connect at one end with a street which is already open ; or

(iv) if the proposed street does not conform to any proposed scheme of master plan or detailed development plan duly approved by the competent authority under the Tamil Nadu Town and Country Planning Act, 1971.

(6) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the Council. If further information is asked for, further steps shall not be taken to or lay out or make the street until orders have been passed upon receipt of such information:

Provided that passing of such order shall not in any case be delayed for more than sixty days after the Council has received all the information which is considered necessary to enable it to deal finally with the said application.

(7) The provisions of section 119 shall apply as far as may be, to private streets, including streets to be laid out or made under this section.

121. Alteration or demolition of street made in breach of section 120.

If any person lays out or makes any street referred to in section 120, without or otherwise than in conformity with the orders of the Commissioner, the Commissioner, may whether or not the offender be prosecuted under this Act, by notice:

(a) require the offender to show sufficient cause, by a written statement signed by him and sent to the Commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner or if such alteration be impracticable why such street should not be demolished ; or

(b) require the offender to appear before the Commissioner either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such street.

122. Handing over of private street to municipality on payment of development charge. Where any group housing or new housing complex is being formed in accordance with the approved lay out by any agencies including the Tamil Nadu State Housing Board constituted under the Tamil Nadu State Housing Board Act, 1961 or the Tamil Nadu Slum Clearance Board constituted under the Tamil Nadu Slum Areas (Improvement and Clearance.) Act, 1971 with provision for streets, play grounds, parks or a by 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.

123. Power of Commissioner to grant licence for temporary closure in public places and to allow certain projection and erection. (1) The Commissioner may grant licence for any person or any 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 any other special reasons to be recorded in writing and subject to such terms and conditions and on payment of such fees as may be prescribed.

(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 or occupier of any premises to put up verandas, balconies, sunshades, weather frames and the like, to project over a street, or in streets, in which 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. Maintenance of parks, play fields and open spaces. 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. Obligation of owner of parks, play fields, etc. (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 occupation 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, instead of, 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 play-field.

(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 the 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.

126. Publication of list of parks, play fields and open spaces. The Council shall, once in five years, publish a list of all the parks, play-fields and open spaces situated within the municipal area, in such manner as may be prescribed.

127. Planting and preservation of avenue trees. (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 roads and make all 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. Power to remove encroachment from public places. (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 Governments within the municipal limit -

(b) remove any immovable structure whether permanent or of temporary nature encroaching the street or public place or the land 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 on conviction 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 to be mentioned in the judgement impose a sentence of imprisonment for a term of less than one year.

129. Naming and numbering of streets and buildings. (1) The Council shall with the approval of Government give names or numbers to new public streets, any new colony of houses, park, playground, bus stand, arch or other new municipal property and may alter the name or number of any public street, park, playground, bus stand, arch or municipal -property, subject to such rules as may be prescribed.

(2) The name and number of 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 shall cause to assign numbers to all the buildings situated within the municipality. Such numbers shall be displayed at the outer door of any building or in any conspicuous place at the entrance 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 if removed or defaced and if the owner fails to replace it the Commissioner may by notice require him to replace it.

130. Collection of fees on parking vehicles. (1) Subject to the approval of the Council, the Commissioner may reserve any portion of a public street or public place, and declare it as a parking area and collect parking fees from the owners of the vehicles at such rate for such period and in such manner as may be prescribed.

(2.) The Commissioner may grant licence to any private person or organisation or establishment for collecting parking fees in Such manner as may be prescribed.

131. Power of council to set up boardings in road margins and levy fees. (1) Subject to the provisions of the Tamil Nadu open Places (Prevention 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 Government, 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.

Explanation I.—For the purposes of this section and section 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 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.

(e) 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 condition, subject to which 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.

(c) Any hoarding erected without a licence shall be confiscated and removed by the Commissioner without giving any notice.

(6) (a) 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 any hoarding on which is exhibited any advertisement which relates to—

(i) the trade or bussiness 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) to (9) hoarding means any screen of 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 land wall or structure, visible to public wholly partly.

CHAPTER VIII.

BUILDING REGULATIONS.

PART—1.

BUILDING REGULATIONS IN AREAS OTHER THAN HILL STATIONS.

132.Application of this part. This Part shall apply to all municipalities situated in the State other than these areas notified under part II of this chapter.

133. Permission to construct or reconstruct building. (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 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 begun 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 the application and 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 in the notice of return by the Commissioner.

(8) Where no permission has been granted and where the application has not been returned for rectifying the defects for furnishing any other particulars, the 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 cause the Commissioner to as an appropriate orders on merits within the time limit specified by the Council.

(10) Any person objecting to an order passed by the Commissioner under sub-section (9) may, within a period of forty-five days from the date of receipt of order prefer an appeal to the Government in such form and shall be by such fee as may be prescribed.

Provided that the Government may, if it is satisfied that the petitioner had sufficient cause for not preferring the appeal petition 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 anyway modify the order of the Commissioner:

Provided that no order prejudicial to the appellant shall be passed without giving him an opportunity of being heard.

134. Penalty for unauthorized construction. Where the construction, reconstruction or modification of any building is commenced or completed in contravention of the provisions of this Act or the rules made thereunder, the owner shall be liable, by way of penalty, to pay a sum which shall not exceed ten thousand rupees and in the case of a continuing contravention, such further sum which shall not exceed fifty rupees per square feet every day during which the contravention continues.

135. Powers of Commissioner to reauthorized gularise unconstruction. (1) Where the construction, reconstruction or modification of any building is commenced or completed without any permission duly granted by the Commissioner or by any appellate or revisions.; authority or where such construction, reconstruction or modifications has been made othe'wise 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 @r occupier or any person who is incharge 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 incharge 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 rule, 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, of 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 therein:

provided that the Commissioner may on receipt of an application after inspection of 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 has been complied within the period or 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 to 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 such removal or demolition shall be recovered from the person concerned as arrears of land revenue.

136. Power to order, removal of dangerous buildings, trees, etc. (1) Where it appears to the Commissioner at any time that any building is in a ruinous condition or is in any way dangerous or unfit for human habitation or over crowding in a building, the Commissioner may by an order in writing require the owner or the occupier of such building to vacate, demolish, remove such building within the time limit specified in the said order.

(2) Where it appears to the Commissioner at any time that any tree is in a ruinous condition or is in any way dangerous condition in any area of a municipality, he may by order in writing remove the tree 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. Clearing of debris of fallen houses, etc by occupiers. 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-II.

BUILDING REGULATION IN HILL STATIONS.

138. Application of this part. This part shall apply only to hill areas notified by the Government from time to time.

139. Prohibition of construction or reconstruction of buildings, etc without licence. (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 husbandly (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 officer incharge thereof 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 activities.

(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 any engineering, mining or other allied operations on the ground that such proposals 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 circumstances and the officer concerned shall be bound to make such modifications as proposed by the Government.

140. Application for licence. (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 reference 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 the 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 received from 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.

141. Grant of licence. On receipt of an application from the Committee with its remarks, the Government 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. Grant of licence by the commissioner in certain cases. (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

(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, the remaining area for such improvement or enlargement of such building including first floor, in the aggregate,

examine such application with reference to building rules 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. Power to cancel or suspense licence. (1) The Government or the Commissioner may at anytime, cancel or suspend 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. Period of licence. Every licence granted 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 a building or the user of agricultural land for non-agricultural purpose, or the engineering, mining or other allied operations for which the licence is granted, is not commenced within the said period, it shall net be commenced there after unless the Government or there commissioner. as the case m; y be, on application made therefor has extended the period of licence.

145. Power to stop work. (1) The Government or the Commissioner, as the case may.be may, at any time by notice in writing, direct the owner, lessee 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 stop 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; n in the opinion of the Government or the Commissioner as the ease may be, that the construction or reconstruction of the building or part thereof, the user of the building or land or the user of any agricultural land tor non-agricultural purpose or the carrying out of the building, engineering, mining or other allied operations is in contravention of any of the provision" of this Act and in particular, the provision of this part the rules made there under or any of the terms and conditions subject to which a licence is granted under this pan.

(2) If any direction given under sub-section (I) 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 if it were an arrear of land revenue.

146. Review. (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. Revision by High court. (1) Any 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.

(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. Bar of compensation. No compensation shall be claimed by any person for any damage or loss 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 terms and conditions subject to which any such licence is granted;

(c) any direction issued under section 145

(d) the operation of any of the provisions of this part or the rules made there-under.

149. Bar of jurisdiction of courts. 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. Part to override other laws. (1) The provisions of this part shall have effect notwithstanding anything inconsistent therewith contained in this Act or law, custom, usage or contract.

(2) Save as otherwise 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.

151. Delegation of powers of Government. (1) The Government may, by notification authorise the Collector to exercise 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 such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.

152. Exemptions. (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 II 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. Application of this chapter. The provisions of this chapter shall not apply to any municipality for Ts. which the Chennai Metropolitan Water Supply and Sewerage Act, 1978 will have Act application.

154. Vesting of water works in municipality. (1) All public reservoirs, tanks, cisterns, springs, fountains, wells, pumps, pipes, taps, conduits, and educts and other water works (not vested in Government) connected with the supply of water 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 municipal by 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) AU public drains, pipes and drainage works and materials and things, appertaining thereto shall vest in the municipally and the municipality shall so far as the funds at its disposal provide sufficient system of public drains throughout the municipal areas.

155. House-drains and private cess-pools. (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.

(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. Entrustment of water supply and drainage work.
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 all 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. Supply of water by municipality and provisions for water meter.
(1) The municipality may supply drinking water; fit for domestic cons; nation 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. Supply of water for commercial, industrial and other purposes.

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. Supply of water to other neighbouring local bodies. (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. Power to disconnect water supply connection. The Commissioner may order disconnection of water supply connection to 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 municipality :

Provided that the water supply shall not be disconnected without- giving notice *to* the person concerned.

161. Prohibition of allowing or throwing any material in water sources or drainage. (1) "No person shall allow or pass or throw away or discharge any material or any refuse, substance or trade effluent or wastage or solid waste -into any water source, or drainage maintained by the municipality, which would cause or 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 in force 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.

162. Power to under take municipal work in any private property and power to enter into private land. (1) 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 section,

(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 water or drainage connection or 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 of executing any municipal 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 may enter the premises or land after informing the owner or occupier in this behalf.

163. Repair of public tank, wells and other works by temporarily removing nearby residents. The Commissioner may make arrangements to repair any tank ,river bed, pond, street or any public well and while making arrangements 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.

164. Power to order filling in of pools, etc, which are nuisance. (1) If in the opinion of the Commissioner,—

(a) any pool, ditch, tank, well, pond, bog, swamp quarry hole drain, cess pool pit, watercourse, or any collection of water, or

(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, cover over, 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.

165.Regulation or prohibition of certain kinds of cultivation. The Council may on the report of the Director of Public Health or any other Department of the Government, the Health Other or the Local Medical Officer that the cultivation of any specified crop, or the use of any kind of manure or the irrigation of land in any place with in the limits of the municipality is injurious to the public health, with the previous sanction of the Government by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious.

CHAPTER-X.

PUBLIC HEALTH AND SOLID WASTES MANAGEMENT.

166. Obligation to report infectious disease. 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. Power to enter and remove patient. The Commissioner or any officer authorised by him may at any time without notice or after giving such notice as may appear to him reasonable, inspect any place in which any infectious disease is reported or suspected 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.Disinfection of building and artciles. 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 owner of the building.

169. Power to order closure of infected 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 entertainment, to close such building for such period as may be specified in the said notice.

170. Power of commissioner to prohibit use of water likely to spread infection. (1) If the Commissioner is satisfied that the water in any well, tank or other reservoir within the limits of the municipality is likely to be used, for drinking purposes, would endanger or cause the spread of any infectious disease, he may by public notice prohibit the use of such water for drinking and domestic consumption during such period as may be specified in the said notice.

(2) If it appears to the Commissioner that any public or private 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 limit in the interests of public health.

171. Population control, family welfare and small family norm. The Council shall implement population control project, women and child welfare schemes small family norm and enforce any other health related schemes as may be entrusted by the Government to the municipality, subject to the instructions issued by the Government from time to time.

172. Burial and burning ground and crematoria. (1) Every owner or person having the control of any place used as burial or burning ground or crematoria on the date of commencement of this Act. shall if such place has not already been registered, apply to the Council to have such place registered within such time and in such manner as may be prescribed.

(2) No new place for the disposal of the dead whether public or private 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 municipal 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 :

Provided further that the municipality shall itself undertake the burial or cremation of any unclaimed dead body at its own expense.

173. Regulation in respect of carrying or disposal of corpse. 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.

174. Removal of dead animal. (1) The owner or caretaker of any animal in case of death of such animal 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.

175. Disposal of solid wastes and drainage water. (1) 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 water and dispose of the same in such manner as may be determined by the Council.

(3) All solid waste, rubbish and other materials collected by the municipality 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 preparation of compost manure and disposal of the same, by sale;

(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 wastage referred to in this section ;

(g) *feasibility* of providing collection spots and transfer areas in the municipality.

176. Introduction of modern methods for clearance of solid waste in municipality. (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.

(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. Removal of garbage. (1) Where any garbage is dumped by any person or institution in any street, or in any other receptacle other than that provide for dumping of such garbage, the Commissioner may arrange for the removal of the game 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
- (viii) n any other way,

to remove the rubbish, filth, trade refuse, special wastes, hazardous wastes or excrementitious or polluted matters which are accumulated in large quantities in such places at such time and in such trailers or receptacles and by 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 sub-section (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 :

Provided that such fees shall not be less than such unit cost of removal of solid waste (including the cost for debt servicing, depreciation and other charge if any of vehicles or vessels or means for removal) as the Council may determine from time to time.

178. Legal action against persons or industrial units for non-removal of solid wastes or debris.- (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 incharge of such industrial unit or trade or business organisation or the owner of the 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 sub-section (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 subsection continuously, tor 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 orgainsation or the owner referred to in that sub-section as the case may be, for more than three occasions.

179.Application of Tamil Nadu Act III of 1939. 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 any Officer authorised by him in this behalf, may apply all or any of the provisions 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. Penalties. 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 contravention 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. Liability of Chairperson, Deputy Chairperson, Councilor, Commissioner officer and employee for any loss, waste or misapplication.

(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. Limitation for recovery of dues. 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.

183.Sanction for prosecution of Chairperson, Deputy Chairperson, councillor, Commissioner or any officer or employee of municipality. (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,—

(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. Chairperson, Deputy Chairperson, councillor, Commissioner , officer and employee to be public servants. 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. Exercise of powers of police officers by municipal officers and employees. 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.Cognizance of offences. 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.Protection of action taken in good faith. 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.Offences by companies. (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 incharge 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.

Explanation.—For the purpose of this section,—

(a) a company means any body corporate and includes trust, a society or other association of individuals, and

(b) “director” in relation to—

(i) a firm, means a partner in the firm ;

(ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association, with the management of the affairs of the society, trust or *other* association, as the case may be.

189. Injunctions not to be granted in election or assessment proceedings. Notwithstanding anything contained in the Code of Civil Procedure, 1908, 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. Power of entry to inspect, survey or execute work. 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,—

(a) no such entry shall be made after sunset or before sunrise ;

(b) no place used as a dwelling house or no part of a public building which is used as dwelling house shall be entered without giving twenty-four hours previous notice of the intention to make such entry ; and

(c) such inspection shall be made in so far as it is practicable ensuing privacy to the female members residing in such dwelling house.

191. Payment of compensation for damage to municipal property. If, 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 event 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 payment of the 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 therefor.

192. Prohibition against removal of any municipal property. (1) No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any rule, byelaw or regulation or order made thereunder.

(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 other materials from any land vested in the municipality or river bank canal, backwater or watercourse (not being private property) or in anyway obstruct the same.

193. Prohibition against obstruction of municipal authorities, officers on employee of municipality and contractor. No person shall obstruct or in, anyway disrupt the Council, the Chairperson, Deputy Chairperson, councillor, Commissioner, employee of the councillor 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, byelaw or regulation order made thereunder.

194. Method of serving document. (1) When any notice or other document is required by this Act, or by any 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 such document 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 such person does not reside in the municipal area and his address else. where 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 or 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 services or sending by registered pos'.

195. Power of person conducting election and other inquires. All persons authorised by rule to conduct inquiries and all inspecting 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 Revenue Summons Act, 1869 and the provisions of sections 2, 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. Summons to attend and give evidence or produce documents. 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 to the grant of any licence, or permission under the provisions of this Act.

197. Power to remove difficulties. (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.

198. Power to make rules. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the fore-going power, such rules may provide for all or 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 (a) of sub-section (2) of section 3,

(ii) the adjudication of disputes 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.

- (iv) as to the interpellation of the Chairperson, Deputy Chairperson and councillors of the municipality and the moving of resolutions at meetings ;
- (v) as to the constitution of committees of the municipality and the delegation of functions to 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 number of members which shall form a quorum at any meeting ;
- (vii) as to the powers of the municipality and its Chairperson and *committees* thereof with respect to the including 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 of 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 ;
- (xi) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by municipality;
- (xii) as to the preparation of plans and estimates for wpxjts and the power of various authorities to accord technical or administrative sanction to estimate;
- (xiii) as to the powers of auditors to dis;: How and surcharge items, appeals against orders of uisallowante or surcharge and recovery of sums disalloweu or surcharged;
- (xiv) as to the powers of auditors inspecting and superintending officers and officers authorised to hole. inquiries to summon and examine

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 maybe 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 maybe made by or on behalf of municiplaity
- (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 other matter Which is required to be or may be prescribed under this Act.

(3) While making rules under this section the Government may make different provisions' which would be applicable to the municipalities as grouped below

A Group — Chennai Municipal Corporation;

B Group — Municipal Corporation other than Chennai and Special Grade Municipalities ;

C Group —Selection grade and first grade Municipalities ; and

D Group—Second grade Municipalities and all grades of Town Panchayat.

(4) All rules made under this Act shall be reviewed by the Government atleast 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) Ail rules made under I this Act shall be published 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 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 issued, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

199. Regulations and by laws to be framed by the council. (1) The Council may, with the approval of the Director, make by-laws and regulations in relation to any of the matters expressly provided for in this Act and also matters connected with the administration of the municipality not inconsistent with the provisions of this Act and the rules framed thereunder and the instructions issued by the Government from time to time,

(2) The Council may also provide 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 bylaws 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 guidelines specified therein and the Council shall give effect to such decision.

(5) When any by-law or regulation has been made under this Act, such by-law or regulation shall be published in the District Gazette Tamil and shall come into force on the date of such publication in Tamil.

200. Repeal and savings. (1) The following Acts are hereby repealed, namely.—

(a) the Chennai City Municipal Corporation Act, 1919

(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, 1994
- (f) the Tirunelveli City Municipal Corporation Act, 1994 ;
- (g) the Salem City Municipal Corporation Act, 1994.
- (h) the Tamil Nadu Places of Public Resort Act. 1888.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 : .and
- (j) the Tamil Nadu Elementary Education Act, 1959 in is application to municipality.

(2) 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 councillor of any municipality under the relevant Acts referred to in sub-section (1) shall on such commencement continue to hold the said office until the expiry of the term of office for which he has been elected and he shall exercise all powers and perform all duties conferred on such Chairperson, Deputy Chairperson or Councillor by or under the provisions 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 re-constituted 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 or 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 provisions of this Act;

(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. PARTHASARATY
Secretary to Government.
Law Department,