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TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 28th June, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 28 of 2018

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

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-ninth Year of the Republic of India as follows:—

**PART – I.
PRELIMINARY.**

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2018.

(2) It shall come into force at once.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Amendment of section 414-B.

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Tamil Nadu Act IV of 1919.

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 375-B.

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Tamil Nadu Act V of 1920.

PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment of section 510-AAA.

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Tamil Nadu Act 15 of 1971.

PART – V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of section 511-AAA.

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Tamil Nadu Act 25 of 1981.

PART – VI.**AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.**

Tamil Nadu Act
27 of 1994.

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 10-A.

PART – VII.**AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.**

Tamil Nadu Act
28 of 1994.

7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 10-A.

PART – VIII.**AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.**

Tamil Nadu Act
29 of 1994.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 10-A.

PART – IX.**AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu Act
7 of 2008.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 9-A.

PART – X.**AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu Act
8 of 2008.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 9-A.

PART – XI.**AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu Act
26 of 2008.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 9-A.

PART – XII.**AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu Act
27 of 2008.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Amendment of
section 9-A.

PART – XIII.**AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.**

Amendment of section 9-A.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Tamil Nadu Act 24 of 2013.

PART – XIV.**AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.**

Amendment of section 9-A.

14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for the expression “upto the 30th day of June 2018”, the expression “upto the 31st day of December 2018” shall be substituted.

Tamil Nadu Act 25 of 2013.

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members/councillors of Town Panchayats, Municipalities and Municipal Corporations. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016, while upholding the Government Orders has, among other things, directed the Tamil Nadu State Election Commission to issue fresh notification to conduct election and complete such election process at the earliest, not later than the 31st December 2016 and has also directed the Government to administer the Local Bodies by appointment of Special Officers till the elections are held, as the terms of office of the elected representatives of Local Bodies are to expire soon and the same cannot be extended beyond five years. In view of the above directions of the High Court, Madras, Special Officers were appointed to the Town Panchayats, Municipalities and Municipal Corporations till elections to the said Town Panchayats, Municipalities and Municipal Corporations are held and the term of office of the said Special Officers is due to expire on the 30th June 2018.

2. Further, a Writ Appeal No.1268/2017 was filed by the Tamil Nadu State Election Commission before the High Court of Madras against the order in W.P.No.33984/2016. In the said Appeal, on 04.09.2017, the High Court of Madras has ordered that the notification announcing elections to Local Bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to Local Bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the Appeal on 06.09.2017. In view of the said orders of High Court of Madras, particularly with reference to the pendency of Appeal in Supreme Court, the Tamil Nadu State Election Commission has filed Interlocutory Application (I.A.) in the Supreme Court seeking direction on the orders of High Court of Madras and the same is pending before the Supreme Court. In these circumstances, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2017 and orders in the said contempt petition have been reserved.

3. The Civil Appeal Nos.5467-5469/2017 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court for delimitation of territorial wards of Local Bodies and for other matters connected therewith are still pending before the Supreme Court. Another Writ Petition (Civil) No.769/2017(PIL-W) has also been filed before the Supreme Court seeking orders for conducting Local Bodies elections, which has been tagged along with the aforesaid Civil Appeal Nos. 5467-5469/2017 by the Supreme Court. In the said Writ Petition (C) No.769/2017, in its order dated the 27th November 2017, the Supreme Court has ordered that the petitioner should approach the High Court under Article 226 of the Constitution of India. Consequently, Writ Petition No.22646/2017 has been filed before the Madurai Bench of Madras High Court for conducting elections to the Local Bodies and the same is also pending.

4. Taking into consideration the pendency of Civil Appeals for delimitation of territorial wards of Local Bodies based on the population figures of 2011 census and demands from various political parties and general public, the Government have constituted Delimitation Commission under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for undertaking delimitation of territorial wards of Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Municipalities and Municipal Corporations. In order to conduct Local Bodies election based on the population figures of last preceding census, namely, 2011 census as per Articles 243(f) and 243P(g) of the Constitution, the Delimitation Commission has conducted series of meetings and framed time schedules to complete the process of the delimitation of territorial wards of the Local Bodies and to submit the recommendations thereon shortly to the Government. In view of ongoing task of delimitation of territorial wards of the Local Bodies, the Government amended the laws relating to Municipal Corporations, Municipalities and Panchayats by the Tamil Nadu Local Bodies Laws (Amendment) Act, 2018 (Tamil Nadu Act 12 of 2018) with a view to conduct Local Bodies election based on the proposed delimitation of territorial wards as per the last preceding census (2011 census) of which the relevant figures have been published.

5. In view of the process of Delimitation of territorial wards, representations, objections and suggestions are received from the political parties and the general public for delimitation of territorial wards of Town Panchayats, Municipalities and Municipal Corporations. More than 10950 petitions from urban areas have been received and the same are under active examination by the Delimitation Commission. Further, it has been decided by the Delimitation Commission to revisit and scrutinize the territorial wards of Chennai City Municipal Corporation, wherein the population variation exceeded the limit of fifty per cent over the parity principle.

6. Thus, it is evident that the elections to Town Panchayats, Municipalities and Municipal Corporations have been delayed due to various litigations and also on the account of the process of delimitation of territorial wards of Urban Local Bodies being undertaken by the Delimitation Commission based on 2011 census. After the completion of the delimitation process, the State Election Commission will be in a position to notify the ordinary elections to the Urban Local Bodies. Hence, it has been proposed to make suitable arrangements for administering the affairs of Urban Local Bodies considering the expiry of the term of office of the Special Officers on the 30th June 2018. The Government, therefore, decided to amend the laws relating to Town Panchayats,

Municipalities and Municipal Corporations so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 31st December 2018 or until the first meeting of council is held after the ordinary elections to the Town Panchayats, Municipalities and Municipal Corporations, whichever is earlier.

7. The Bill seeks to give effect to the above decision.

S.P. VELUMANI,

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

K. SRINIVASAN,
Secretary.