



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

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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 9th January, 2020 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 6 of 2020

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

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

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2020.

Short title and commencement.

(2) It shall be deemed to have come into force on the 19th day of November 2019.

PART – II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919.

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

Substitution of section 28.

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

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

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor.”.

3. In section 44-AC of the 1919 Act,—

Amendment of section 44-AC.

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

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

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

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

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

Amendment of section 53.

4. In section 53 of the 1919 Act, in sub-section (1), for the expression "(a) becomes of unsound mind", the following expression shall be substituted, namely:—
" (b) becomes of unsound mind;".

Amendment of section 59.

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

PART – III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 3-T.

6. In section 3-T of the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), in sub-section (1), the expression "(exclusive of its chairman)" shall be omitted.

Tamil Nadu Act V of 1920.

Amendment of section 7.

7. In section 7 of the 1920 Act, in sub-section (1), the expression "(exclusive of its chairman)" shall be omitted.

Substitution of section 7-A.

8. For section 7-A of the 1920 Act, the following section shall be substituted, namely:—

"7-A. Election of chairman.— (1) The council shall, at its first meeting after each ordinary election to the council, elect one of its councillors to be its chairman.

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

(3) Any casual vacancy in the office of the chairman shall be filled by a fresh election and a person elected as chairman on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A chairman shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of the term of office or on his otherwise ceasing to be the chairman."

Amendment of section 8.

9. In section 8 of the 1920 Act,—

(1) in the marginal heading, for the expression, "chairman or councillors", the expression "councillors" shall be substituted;

(2) in sub-section (1), for the expression "chairman and councillors", the expression "councillors" shall be substituted;

(3) in sub-section (2), for the expression "chairman and councillors", the expression "councillors" shall be substituted;

(4) sub-section (2-A) shall be omitted;

(5) in sub-section (3), for the expression "The chairman or a councillor", the expression "A councillor" shall be substituted;

(6) in sub-section (4), for the expression "the chairman or a councillor", the expression "a councillor" shall be substituted;

(7) in sub-section (5), for the expression "The chairman or a councillor" and "the chairman or the councillor", the expression "A councillor" and "the councillor" shall, respectively, be substituted.

Amendment of section 9.

10. In section 9 of the 1920 Act,—

(1) in the marginal heading, for the expression "chairman or councillor", the expression "councillor" shall be substituted;

(2) in sub-section (1), for the expression "chairman or councillor", the expression "councillor" shall be substituted;

(3) in sub-section (3), for the expression "a chairman or a councillor elected under sub-section (1)", the expression "a councillor elected under sub-section (1)" shall be substituted.

11. In section 12 of the 1920 Act, sub-section (4) shall be omitted.

Amendment of section 12.

12. For section 12-A of the 1920 Act, the following section shall be substituted, namely:—

Substitution of section 12-A.

"12-A. Procedure when no chairman or vice-chairman is elected.—

If at an election held under section 7-A or under section 12 no chairman or vice-chairman, as the case may be, is elected, a fresh election shall be held."

13. For section 14 of the 1920 Act, the following section shall be substituted, namely:—

Substitution of section 14.

"14. Chairman to be member of every committee of council.— The chairman shall, by virtue of his office, be a member of every committee of the council."

14. In section 30 of the 1920 Act,—

Amendment of section 30.

(1) in the marginal heading, for the expression "Chairman and councillor", the expression "Councillor" shall be substituted;

(2) in sub-section (1), for the expression "chairman or councillor", the expression "councillor" shall be substituted.

15. In section 40 of the 1920 Act, including the marginal heading, for the expression "vice-chairman", wherever it occurs, the expression "chairman or vice-chairman" shall be substituted.

Amendment of section 40.

16. In section 40-A of the 1920 Act,—

Amendment of section 40-A.

(1) in the marginal heading, for the expression "vice-chairman", the expression "chairman or vice-chairman" shall be substituted;

(2) in sub-section (1), for the expression "vice-chairman", the expression "chairman or vice-chairman" shall be substituted;

(3) in sub-section (12), for the expression "vice-chairman", the expression "chairman or vice-chairman, as the case may be" shall be substituted;

(4) in sub-section (13), for the expression "vice-chairman", the expression "chairman or vice-chairman" shall be substituted;

(5) in sub-section (14), for the expression "a vice-chairman", the expression "a chairman or a vice-chairman" shall be substituted.

17. Section 40-B of the 1920 Act, shall be omitted.

Omission of section 40-B.

18. In section 43-C of the 1920 Act, in sub-section (2),—

Amendment of section 43-C.

(1) for the expression "chairman or councillors", the expression "councillors" shall be substituted;

(2) for the expression "chairman or councillor", the expression "councillor" shall be substituted.

Amendment of section 48.

19. In section 48 of the 1920 Act, for the expression "chairman or as a councillor", occurring in two places, the expression "councillor" shall be substituted.

Amendment of section 49.

20. In section 49 of the 1920 Act,—

(1) in sub-section (1), for the expression "chairman or councillor", the expression "councillor" shall be substituted;

(2) in sub-section (2),—

(a) in the opening portion, for the expression "as a chairman or election as a councillor", the expression "as a councillor" shall be substituted;

(b) in clause (e), for the expression "the chairman or a councillor", occurring in two places, the expression "a councillor" shall be substituted.

Amendment of section 50.

21. In section 50 of the 1920 Act,—

(1) in the marginal heading, for the expression "chairman or councillors", the expression "councillors" shall be substituted;

(2) in sub-section (1),—

(a) in the opening portion, for the expression "the chairman or a councillor", the expression "a councillor" shall be substituted;

(b) in clause (f), for the expression "of the chairman or any other councillor", the expression "of any other councillor" shall be substituted;

(c) in clause (i),—

(i) for the expression "the chairman or councillor", the expression "councillor" shall be substituted;

(ii) in the proviso, for the expression "the chairman or a councillor", the expression "a councillor" shall be substituted;

(3) in sub-section (4),—

(a) for the expression "the chairman or a councillor", the expression "a councillor" shall be substituted;

(b) for the expression "chairman or councillor", the expression "councillor" shall be substituted;

Amendment of section 51.

22. In section 51 of the 1920 Act,—

(1) in the marginal heading, for the expression "chairman or councillor", the expression "councillor" shall be substituted;

(2) in sub-section (1), for the expression "the chairman or a councillor", "the chairman or any councillor" and "such chairman or councillor", the expression "a councillor", "any councillor" and "such councillor" shall, respectively, be substituted;

(3) in sub-section (3), for the expression "chairman or the councillor", the expression "councillor" shall be substituted.

Amendment of section 368.

23. In section 368 of the 1920 Act,—

(1) in sub-section (2), for the expression "chairman and councillors", the expression "councillors" shall be substituted;

(2) in sub-section (5), for the expression "chairman and councillors", the expression "councillors" shall be substituted;

(3) in sub-section (6), for the expression "chairman or councillors", the expression "councillors" shall be substituted.

PART – IV.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971.

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

Substitution of section 29.

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

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

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor."

25. In section 48-AB of the 1971 Act,—

Amendment of section 48-AB.

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

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

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

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

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

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

Amendment of section 66.

PART – V.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu Act 25 of 1981.

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

Substitution of section 29.

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

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

(3) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor on any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(4) A Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor.”.

Amendment of section 50-C.

28. In section 50-C of the 1981 Act,—

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

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

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

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

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

Amendment of section 68.

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

Repeal and saving.

30. (1) The Tamil Nadu Municipal Laws (Fifth Amendment) Ordinance, 2019 is hereby repealed.

Tamil Nadu Ordinance 8 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971 and the Coimbatore City Municipal Corporation Act, 1981, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

Tamil Nadu Act IV of 1919.
Tamil Nadu Act V of 1920.
Tamil Nadu Act 15 of 1971.
Tamil Nadu Act 25 of 1981.

STATEMENT OF OBJECTS AND REASONS.

Elections are held directly to the offices of Mayor of Municipal Corporations and Chairperson of Municipalities and Town Panchayats and Councillors therefor on party basis. Except in Village Panchayats where elections are held directly on non party basis, in other tiers of rural local bodies like Panchayat Unions and District Panchayats, elections are held on party basis and the head of the institution is elected indirectly, where the councillors elect one among them as Chairperson.

2. The Mayor / Chairperson, when they belong to one particular political party and the majority of the councillors belong to other political party / parties, they fail to get utmost co-operation from the councillors and this results in conflict and the smooth functioning of the council gets affected. Sometimes, even getting the council meetings convened in regular intervals become difficult in such situations. Besides, the very basic purpose of serving the public comes to a grinding halt, which gets amplified in unimaginable dimensions in such Urban Local Bodies.

3. It was considered that if indirect election is conducted for electing Mayor / Chairperson, there will be stability and collective responsibility among the head of the Urban Local Bodies and all the elected councillors and local bodies will be able to function in a harmonious and constructive way. The Municipal Corporation being a larger urban area, the volume of transaction of business in the councils are on a large scale. For instance, Chennai City Municipal Corporation Council consists of 200 councillors and Madurai and Coimbatore City Municipal Corporation Councils consist of 100 councillors each. In such a scenario, co-operation of the majority of the councillors is indispensable to have a smooth transaction of business in the council meeting. Hence, in order to ensure the support of majority of the councillors in taking decision and to render effective basic civil services to the public, it was considered appropriate to revert back to indirect method of election to the offices of the Mayor and Chairperson of the Urban Local Bodies.

4. Further, representations have been received from various forums and public that the indirect election to the Mayor of Municipal Corporations and Chairperson of Municipalities and Town Panchayats will be a better system for smooth functioning of the administration in the Urban Local Bodies.

5. Therefore, taking into account the advantages like better accountability and collective responsibility of the elected representatives of the Urban Local Bodies and in the interest of the smooth functioning of the Urban Local Bodies, the Government decided to amend the laws relating to the Municipal Corporations, Municipalities and Town Panchayats so as to provide indirect election to the offices of the Mayor of Municipal Corporations and Chairperson of Municipalities and Town Panchayats. Accordingly, the Governor promulgated the Tamil Nadu Municipal Laws (Fifth Amendment) Ordinance, 2019 (Tamil Nadu Ordinance 8 of 2019) on the 19th November 2019 and the same was published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 19th November 2019.

6. The Bill seeks to replace the said Ordinance.

S.P.VELUMANI,

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

K. SRINIVASAN,
Secretary.