

Tamil Nadu District Municipalities Act, 1920

5 of 1920

[05 May 1920]

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Tamil Nadu District Municipalities Act, 1920

[05 May 1920]

An Act to consolidate and amend the law relating to District Municipalities. Whereas it is expedient to consolidate and amend the law relating to district municipalities in the Presidency of Madras; and whereas the previous sanction of the Governor-General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act; it is hereby enacted as follows:-

PART 1 PRELIMINARY

CHAPTER 1 PRELIMINARY

1. Title And Extent :-

- (1) This act may be called The Tamil Nadu District Municipalities Act, 1920
- (2) It extends to the whole of the Presidency of Madras, except the city of Madras.

2. Repeal Of Enactments :-

The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof.

3. Definitions :-

In this Act unless there is anything repugnant in the subject or context-

- (1) Omitted by Tamil Nadu Act XVII of 1973.
- (1-B) Appoint.- Appoint includes to appoint temporarily or in an officiating capacity.
- (2) Appointment.- Appointment includes temporary and officiating appointments
- (3) Building. - Building includes a house, out-house, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.
- (4) Building-line.- 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.
- (5) Carriage.-Carriage means any wheeled vehicle with spring or

other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.

(6) Cart.- Cart includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Indian Motor Vehicles Act, 1914.

(7) Casual vacancy, casual election, - Casual vacancy means a vacancy occurring otherwise than by efflux of time and casual election means an election held on the occurrence of a casual vacancy.

(7-A) Chairman means the chairman of the town panchayat or the municipality, as the case may be.

(8) Company.- Company means a company as defined in the Indian Companies Act, 1913 or formed in pursuance of an Act of Parliament of the United Kingdom or of Royal Charter or Letter Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the Presidency of Madras whether incorporated or whether its principal place of business is the said Presidency or not.

(8-A) Election authority.- Election authority means such authority not being the chairman or a councillor as may be prescribed.

(8-B) European.- European means any person of European descent who either was born in or has a domicile in the United Kingdom or in any British Possession or in any part of India or whose father was so born or has or had up to the date of the birth of the person in question such a domicile.

(8-C) Executive Authority means an officer of the State Government, or of the local authority (not being the chairman or vice-chairman or a member of the council) as may be specified by the State Government, by notification.

(9) Filth - Filth includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter.

(9-A) Finance Commission means the commission referred to the section 124.B

(10) Hill station .- Hill station means a place specified in Schedule II and includes any other place which may be notified by the State Government as a hill station.

(11) Hut.- Hut means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size of any small building of whatever material made which the council may declare to be a hut for the purposes of this Act.

- (11-A) Indian Christian -Indian Christian means a native of India who is or in good faith claims to be, of unmixed Asiatic descent and who professes any form of the Christian religion,
- (11 -B) Inspector means any officer not below the rank of a District Collector appointed by the State Government to exercise or perform any of the powers or duties of the Inspector under the Act.
- (12) Latrine includes privy, water-closet and urinal.
- (12-A) Omitted.
- (12-B) Local authority. -Local authority includes a cantonment authority.
- (12-C) Municipal Council means the council of the town panchayat or the municipality as the case may be;
- (12-D) Municipality means an institution of self Government constituted for a smaller urban area as detailed in class (2) of Article 243-Q of the Constitution.
- (13) Municipal office .-Municipal office means the principal office of any municipal council.
- (14) Nuisance.-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 which is or may be dangerous to life or injurious to health or property.
- (15) Occupier. -Occupier includes 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.
- (16) Ordinary vacancy. Ordinary election -Ordinary vacancy means a vacancy occurring by efflux of time and Ordinary election means an election held on the occurrence of an ordinary vacancy.
- (17) Owner. -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.
- (18) Palanquin. -Palanquin includes tonjans, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick people.
- (18-A) Panchayat town means an area in transition from a rural area to an urban area classified as panchayat town under section 3-P.
- (19) Prescribed. -Prescribed means prescribed by the State

Government by rules made under this Act.

(20) Private street.-Private street means any street, road, square, court, alley, passage or riding-path, which is not a public street but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises.

(21) Public street,- Public street means any street, road, square, court, alley, passage or riding-path over which the public have a right of way whether a thorough-fare or not, and includes.

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(e) the drains attached to any such street, public bridge or causeway and land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Government.

(22) Public water-courses, etc. -Public water-courses, springs, wells and tanks include those used by the public to such an extent as to give a prescriptive right to such use.

(23) Railway.-Railway includes a tramway.

(24) Reconstruction. -Reconstruction of a building includes.

(a) the re-erection wholly or partially of a 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 ten feet 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 of the lowest storey;

(c) the conversion into a dwelling-house or a place of public worship of any building not originally constructed for human habitation or for public worship, as the 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 a dwelling house into a factory;

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

(25) Residence.- Resided -A person is deemed to have his residence or to reside in any house 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 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 at any time and has not abandoned his intention of returning.

(26) Rubbish.-Rubbish means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not filth.

(27) Salary.-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.

(28) Scavenger.-Scavenger means a person employed in collecting or removing filth, in cleansing drains or slaughter-houses or in driving carts used for the removal of filth.

(28-A) Scheduled Castes shall have the same meaning as in the Constitution.

(28-B) Scheduled Tribes shall have the same meaning as in the Constitution.

(28-C) Tamil Nadu State Election Commission means the Tamil Nadu State Election Commission referred to in section 43.B;

(28-D) Tamil Nadu State Election Commissioner means the Tamil Nadu State Election Commissioner referred to in section 43.B;

(29) Street alignment.-Street alignment means a line dividing the lands comprised in and forming part of a street from the adjoining land.

(29-A) Town Panchayat means an institution of self-Government constituted for a transitional area as defined in clause (2) of Article 243-Q of the Constitution;

*(29-AA) "Transitional area" means an area in transition from a rural area to an urban area classified as transitional area under Section 3-B"

(29-B) Wards Committee means the wards committee referred to in section 24-B;

(30) Water-course.- Water-course includes any river, stream, or channel whether natural or artificial.

(31) year.--Year means the financial year.

* Inserted by T.N. Municipal Laws (Amendment) Act. 18/2006

3A. Application Of Chapter :-

(1) This chapter shall apply only to the town panchayats.

3B. Formation Of Town Panchayats :-

(1) The Governor.-

(a) may having regard to the revenue generated for local administration the percentage of employment in non-agricultural activities, the economic importance or such other factors as he deems fit, by notification, classify and declare every local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages and having a population estimated at not less than five thousand and an annual income of not less than one lakh of rupees as panchayat town for the purposes of this Act; and

(b) shall by notification, specify the name of such panchayat town.

(2) In every panchayat town declared as such under subsection (1), there shall be established a town panchayat.

(3) (a) The Governor may, by notification, exclude from a panchayat town any area comprised therein, provided that the population of the panchayat town after such exclusion, is not less than five thousand.

(b) In regard to any area excluded under clause (a), the Governor shall, by notification under sub-section (1), declare it to be a panchayat town if it has a population of not less than five thousand or if its population is less than five thousand, include it in any contiguous panchayat town under clause (c) (i).

(c) The Governor may, by notification -

(i) include in a panchayat town any local area contiguous thereto; or

(ii) cancel or modify a notification issued under subsection (1); or

(iii) alter the name of the panchayat town specified under clause (b) of sub-section (1).

(d) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1) or under clause (c), the Governor shall give the town panchayat or town panchayats which will be affected by the issue of such notification, a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such town panchayat or town panchayats.

(4) Any rate-payer or inhabitant of such area or any town panchayat concerned, may, if he or it objects to any notification under sub-section (1) or sub-section (3), appeal to the High Court within such period as may be prescribed.

3C. Constitution Of Town Panchayats :-

(1) Save as provided under sub-section (2) every town panchayat town shall consist of the elected members as determined under section 3-J.

(2) The following persons shall also be represented in the town panchayat, namely;

(a) Omitted

(b) the members of the House of the people and the members of the State Legislative Assembly representing a constituency comprising the whole or any part of the town panchayat; and

(c) the members of the Council of States who are registered as electors within the area of the town panchayat.

(3) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the town panchayat.

3D. Incorporation Of The Town Panchayat :-

(1) A town panchayat shall be constituted for each panchayat town consisting of such number of elected members, with effect from such date as may be specified in the notification issued in that behalf by the Governor.

(2) Subject to the provisions of this Act, the administration of the panchayat town shall vest in the town panchayat, but the town panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its Chairman or to any other authority.

(3) Every town panchayat shall be a body corporate by the name of the panchayat town specified in the notification issued under section 3-B, 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, of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

3E. Alteration Of Classification Of Panchayat Towns :-

(1) The Governor may alter any classification, notified under sub-section (1) of section 3-B. if in his opinion the panchayat town

satisfies or ceases to satisfy the conditions referred to in that sub-section.

(2) Any decision made by the Governor under this section shall not be questioned in a court of law.

3F. Strength Of A Town Panchayat :-

(1) Notwithstanding anything contained in this Act, the total number of members of town panchayat shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that for the first election to the town panchayat to be held immediately after the commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994, the provisional population figures of the town panchayat as published in relation to 1991 census shall be deemed to be the population of the town panchayat as ascertained in that census.

(2) The inspector, may from time to time, by notification, alter the total number of members of the town panchayat notified under sub-section (1).

3G. Duration Of Town Panchayat :-

(1) Every town panchayat sooner dissolved, shall continue for five years beginning from the date appointed for its first meeting after each ordinary election and no longer and the expiration of the said period of five years shall operate as a dissolution of the town panchayat.

(2) An election to constitute a town panchayat shall be completed-

- (a) before the expiry of its duration specified in subsection (1); or
- (b) before the expiration of period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved town panchayat would have continued is less than six months, it shall not be necessary to hold any election for constituting the town panchayat for such period.

3GG. Appointment Of Special Officer In Certain Circumstances :-

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, in respect of Sholinghur town

panchayat, which cannot be constituted on the 25th day of October, 2001 even after resorting to election process, the Government may by notification appoint special officer to exercise the powers and discharge the functions of the said two panchayat, until the day on which the first meeting of the said town panchayat is held after election to the said two panchayat.

(2) The special officer appointed under sub-section (1) shall hold office only for six months from the date of his appointment or for such shorter period as the Government may, by notification specify in this behalf.

3H. Election Of Members Of Town Panchayat :-

The members of town panchayat referred to in sub-section (1) of section 3-C shall be elected in such manner as may be prescribed; Provided that no person shall be eligible to be elected under this Act as a member of more than one town panchayat.

3I. Reservation Of Seats :-

(1) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in every town panchayat and the number of seats so reserved, shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that town panchayat as the population of the Scheduled Castes in the town panchayat area or of the Scheduled Tribes in that town panchayat area, bears to the total population of that area.

(2) 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 Scheduled Tribes.

(2-A) and (2-B) omitted

(3) Seats shall be reserved for women in the town panchayat and the number of seats reserved for women shall not be less than one-third including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes of the total number of seats in the town panchayat.

(4) (a) The Offices of the Chairpersons 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 proportion 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 Chairpersons of the town panchayat 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 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.

(4-A) Omitted

(5) The Offices of the Chairpersons 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 Scheduled Tribes of the total number of offices of the chairpersons of the town panchayats in the State;

Provided that the offices reserved under this section shall be allotted by rotation to different town panchayats in such manner as may be prescribed.

(6) The reservation of seats under sub-sections (1) and (2) and the reservation of office of Chairpersons under subsection (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

3J. Division Of Town Panchayats Into Wards :-

(1) For the purpose of election of councillors to a town panchayat, the Inspector shall, after consulting the town panchayat, by notification, divide the panchayat town into wards and determine the number of members to be elected in accordance with such scale as may be prescribed.

(2) Only one member shall be elected from each ward.

3K. Term Of Office Of Members :-

(1) Except as otherwise provided in this Act, members of every town panchayat elected at an ordinary election shall hold office for a term of five years.

(2) The term of office of the members elected at ordinary election

shall commence on the date appointed for the first meeting of the town panchayat after such ordinary election.

(3) The member of a town panchayat elected in a casual vacancy shall enter upon the office forthwith but shall hold office so long as the member in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

3L. Electoral Roll :-

(1) The electoral roll of a town panchayat 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 a panchayat town and shall be deemed to be the electoral roll for such town panchayat for the purposes of this Act.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for elections in any town panchayat and before the notification of the result of such election, shall form part of the electoral roll for such election, for the purposes of this section.

3M. Application Of The Act To Town Panchayats :-

The State Government may, by notification, direct that any of the provisions of this Act and the rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Tamil Nadu but not in the Panchayat town shall apply to that town panchayat to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

3N. Chapter To Override Other Laws :-

(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law.

(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.

3O. Application Of Chapter :-

*This chapter shall apply only to the Town Panchayats

* Inserted by T.N.Municipal Laws (Amendment) Act No 18/2006.

3P. Formation Of Town Panchayats :-

(1) The Governor:

(a) may, having regard to the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he deems fit, by notification, classify and declare every local area comprising a revenue village or villages or any portion of a revenue village or contiguous portions of two or more revenue villages and having a population estimated at less than thirty thousand as a panchayat town for the purposes of this Act; and

(b) shall, by notification, specify the name of such panchayat town.

(2) In every panchayat town declared as such under sub-section (1), there shall be established a town panchayat.

(3) (a) The Governor may, by notification, exclude from a panchayat town any area comprised therein.

(b) In regard to any area excluded under clause (a), the Governor may, by notification under sub-section (1), declare it to be a panchayat town or include it in any contiguous panchayat town under clause (c) (i).

(c) The Governor may, by notification:

(i) include in a panchayat town any local area contiguous thereto; or

(ii) cancel or modify a notification issued under subsection (1), or

(iii) alter the name of the panchayat town specified under clause (b) of sub-section (1).

(d) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1) or under clause (c), the Governor shall give the town panchayat or Town Panchayats which will be affected by the issue of such notification, a reasonable opportunity for showing cause against the proposal and shall consider the explanations and objections, if any, of such town panchayat or Town Panchayats.

(4) Any rate-payer or inhabitant of such area or any town panchayat concerned may, if he or it objects to any notification under sub-section (1) or sub-section (3), appeal to the High Court within such period as may be prescribed.

3Q. Constitution Of Town Panchayats :-

(1) Save as provided under sub-section (2), every town-panchayat shall consist of the elected members as determined under Section

3-X.

(2) The following persons shall be represented in the town panchayat, namely;

(a) the members of the House of the People and the members of the State Legislative Assembly representing a constituency comprising the whole or any part of the town panchayat; and

(b) the members of the Council of States who are registered as electors within the area of the town panchayat.

(3) The members of the House of the People, the State Legislative Assembly and the Council of States referred to in clauses (a) and (b) of sub-section (2) shall be entitled to take part in the proceedings, and vote at the meetings, of the town panchayat.

3R. Incorporation Of Town Panchayats :-

(1) A town panchayat shall be constituted for each panchayat town consisting of such number of elected members, with effect from such date as may be specified in the notification issued in that behalf by the Governor.

(2) Subject to the provisions of this Act, the administration of the panchayat town shall vest in the town panchayat, but the town panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its chairman or to any other authority.

(3) Every town panchayat shall be a body corporate by the name of the panchayat town specified in the notification issued under Section 3-P, 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, or acquiring, holding and transferring property, movable or immovable or entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

3S. Alteration Of Classification Of Panchayat Towns :-

(1) The Governor may alter any classification, notified under sub-section (1) of Section 3-P, if in his opinion, the panchayat town satisfies or ceases to satisfy the conditions referred to in that sub-section.

(2) Any decision made by the Governor under this Section shall not be questioned in a Court of law.

3T. Strength Of A Town Panchayat :-

(1) Notwithstanding anything contained in this Act, the total number of members of a town panchayat shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to the population as ascertained at the last preceding census of which the relevant figures have been published.

(2) The Inspector may, from time to time, by notification, alter the total number of members of a town panchayat notified under subsection (1).

3U. Duration Of Town Panchayat :-

(1) Every town panchayat, unless sooner dissolved, shall continue for five years beginning from the date appointed for its first meeting after each ordinary election and no longer and the expiration of the said period of five years shall operate as a dissolution of the town panchayat.

(2) An election to constitute a town panchayat shall be completed:
(a) before the expiry of its duration specified in subsection (1); or
(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved town panchayat would have continued is less than six months, it shall not be necessary to hold any election for constituting the town panchayat for such period.

3V. Election Of Members To Town Panchayat :-

The members of town panchayat referred to in subsection (1) of Section 3-Q shall be elected in such manner as may be prescribed:

Provided that no person shall be eligible to be elected under this Act as a member of more than one town panchayat.

3W. Reservation Of Seats :-

(1) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in every town panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that town panchayat as the population of the Scheduled Castes in the town panchayat area, or

of the Scheduled Tribes in that town panchayat area, bears to the total population of that area.

(2) 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.

(3) Seats shall be reserved for women in the town panchayat and the number of seats reserved for women shall not be 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 town panchayat.

(4) (a) The offices of the chairman 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 chairman 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 chairman 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 chairman of the Town Panchayats in the State:

Provided that the offices reserved under this sub-section and under sub-section (4) shall be allotted by rotation to different Town Panchayats in such manner as may be prescribed.

(6) The reservation of seats under sub-sections (1) and (2) and the reservation of offices of chairman under sub-section (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

3X. DIVISION OF TOWN PANCHAYATS INTO WARDS :-

(1) For the purpose of election of members to a town panchayat, the Inspector shall, after consulting the town panchayat, by notification, divide the panchayat town into wards and determine the number of members to be elected in accordance with such scales as may be prescribed.

(2) Only one member shall be elected from each ward.

3Y. Term Of Office Of Members :-

(1) Except as otherwise provided in this Act, members of every town panchayat elected at an ordinary election shall hold office for a term of five years.

(2) The term of office of the members elected at ordinary election shall commence on the date appointed for the first meeting of the town panchayat after such ordinary election.

(3) The member of a town panchayat elected in a casual vacancy shall enter upon the office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

3Z. Electoral Roll :-

(1) The electoral roll of a town panchayat 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 a panchayat town and shall be deemed to be the electoral roll for such town panchayat for the purposes of this Act.

(2) No amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for elections in any town panchayat and before the notification of the result of such election shall form part of the electoral roll for such election, for the purposes of this Section.

3AA. Application Of The Act To Town Panchayats :-

The State Government may, by notification, direct that any of the provisions of this Act and the rules made under this Act or of any other enactment for the time being in force elsewhere in the State of Tamil Nadu but not in the panchayat town shall apply to that town panchayat to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

3BB. Chapter To Override Other Laws :-

(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other law.

(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.

3CC. Special Provisions Relating To Village Panchayat Constituted As Town Panchayat :-

(1) Notwithstanding anything contained in this Act:

(a) the president and members of a Village Panchayat, who are elected or deemed to have been elected and holding office as such immediately before the date of constitution of such Village Panchayat as town panchayat under this Act, shall be deemed to be the chairman and members of such town panchayat elected under this Act and such chairman and members shall continue to hold office upto such date as the State Government may, by notification, fix in this behalf or, in case no such date is fixed, would expire under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and such chairman and members shall exercise all powers and perform all duties conferred on the chairman and members by or under this Act;

(b) all the employees, other than the provincialised employees, of the Village Panchayat immediately before its constitution as town panchayat shall be the employees of such town panchayat under this Act. The provincialised employees shall continue to serve under the town panchayat.

(2) Subject to the provisions of sub-section (1), the provisions of this Act and the rules made thereunder shall apply to the town panchayat referred to in sub-section (1).

PART 2 Establishment, Constitution and Government of District Municipalities

CHAPTER 2 Creation and Abolition of Municipalities

4. Creation Of Municipalities :-

(1) The Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment, the non-agricultural activities, the economic importance or such other factors as he may deem fit, by notification, declare his intention.

(a) to constitute as a municipality any town, village, hamlet, bazaar, station or other local area or any group of the same in the immediate neighbourhood of one another; or

(b) to exclude from a municipality any local area comprised therein and defined in such notification; or

(c) to include within a municipality any local area in the vicinity thereof and defined in such notification-Provided that no cantonment shall be included within a municipality.

(2) Any inhabitant of a local area or tax-payer of the municipality, in respect of which any such notification has been published may, if he desires to object to anything therein contained, submit his objection in writing to the Governor within six weeks from the publication of the notification and the Governor shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired and the Governor has considered the objections if any, which have been submitted, he may as the case may be, by notification declare to be a municipality, or exclude in a municipality, the local area or any portion thereof.

(4) This act shall come into force in or cease to apply to, any municipality or part thereof, as the case may be, on such date as may be specified under sub-section (3).

(5) If any local area in which the Madras Local Boards Act. 1920, is in force is constituted as or included in a municipality, the State Government may pass such orders as they may deem fit as to the transfer to the council of such municipality or and as to the discharge of liabilities if any, of such Local Board relating to such assets or institutions.

4A. Townships :-

(1) The Governor may having regard to the size of the area and the municipal service being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, declare an urban area comprised in any municipality or specified area therein to be an industrial townships.

(2) In regard to any municipality or any area declared to be a township under sub-section (1), the Governor shall, by notification,

constitute a township committee.

(3) A notification issued by the Governor may direct that any functions-vested in a municipal council-by or under this Act shall be transferred to and performed by the township committee and shall provide for-

- (i) the total number of members of the township committee;
- (ii) the persons who shall be the members of the township committee or the manner in which they shall be chosen.
- (iii) the person who shall be the chairman of the township committee or the manner in which he shall be elected or appointed;
- (iv) the term of office of members and the chairman;
- (v) the restrictions and conditions subject to which the township committee may perform its functions; and
- (vi) the procedure of the township committee.

(4) The Governor may, by notification, direct that any of the provisions of this Act or of any rules made thereunder or of any other enactment for the time being in force else where in the State of Tamil Nadu but not in the municipality or specified area therein referred to in sub-section (1) shall apply to that municipality or area to such extent and subject to such modification, additions and restrictions as may be specified in the notification.

(5) (a) If any difficulty arises in giving effect to the provisions of this section the Governor may, as occasion may arise, by order, do anything which appears to him necessary for the purposes of removing the difficulty.

(b) All orders issued under clause (a) shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislature may make either in the same session or in the next session.

4B. Declaration Of A Township To Be A Municipality :-

(1) Notwithstanding anything contained in section 4, if the Governor is satisfied that any industrial township should be declared as a municipality, he may, by notification declare such industrial township to be a municipality.

(2) The provisions of this Act or of any rules so made thereunder shall apply to any township so declared to be a municipality on such date as may be specified in the notification under sub-section (1)

5. Duration Of Municipality :-

(1) Every municipality, unless sooner dissolved under section 4, shall continue for five years beginning from the date appointed for its first meeting after each ordinary election and no longer and the expiration of the said period of five years shall operate as a dissolution of the municipality.

(2) An election to constitute the municipality shall be completed,-

(a) before the expiry of its duration specified in subsection (1); or

(b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved municipality would have constituted, is less than six months it shall not be necessary to hold any election under this sub-section for constituting the municipality for such period.

CHAPTER 3 CONSTITUTION OF MUNICIPAL AUTHORITIES

6. The Municipal Authorities And Their Incorporation :-

(1) The municipal authorities charged with carrying out the provisions of this Act are-

(a) a council

(b) a chairman; and

(c) an executive authority

(2) The municipal council shall, by the name of the municipality be a body corporate, shall have perpetual succession and a common seal and subject to any restriction or qualification imposed by this or any other enactment shall be vested with the capacity of suing or being sued in its corporate name, of acquiring holding and transferring property movable or immovable, of entering into contracts and of doing all things necessary for the purpose or its constitution.

7. Constitution Of Council :-

(1) The municipal council shall consist of such number of councillors as may be determined by the State Government, by notification and different notifications may be issued for different municipal councils;

Provided that the number of councillors so notified shall not be more than fifty-two and shall not be less than twenty.

Provided further that the power to determine the number of

councillors shall not be exercised by the State Government more than once within a period of five years in respect of any municipality.

(2) Save as provided in sub-section (3), every municipality shall consist of the elected members as notified under sub-section (1);

(3) The following persons shall also be represented in the municipality, namely:-

(a) Omitted.

(b) the members of the House of the people and the members of the State Legislative Assembly representing the constituency comprising the whole or any part of the municipality; and

(c) the members of the council of States who are registered as electors within the area of the municipality.

(4) The persons referred to in sub-section (3) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council.

(5) 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 seats to be filled by direct elections in that municipality as the population of the Scheduled Castes in that municipal area or the Scheduled Tribes in that municipal area, bears to the population of that area.

Provided that for the first election for the municipality to be held immediately after the commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994, the provisional population figures of the municipal area as published in relation to 1991 census, shall be deemed to be the population of the municipal area as ascertained in that census.

(6) 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 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 Scheduled Tribes.

(7) Seats shall be reserved for women in the municipality and the number of seats reserved for women shall not be 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 a municipality.

(8) (a) The offices of the Chairpersons 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 bears 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 Municipalities in the State or the Scheduled Tribes in all Municipalities in the State bears to total population of all municipalities in the State.

(b) The offices of Chairpersons of the municipalities shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes from among the offices reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes which shall not be less than one-third of the total number of offices reserved for the Scheduled Castes and the Scheduled Tribes.

(9) The offices of the Chairpersons 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 Scheduled Castes and the Scheduled Tribes, of the total number of offices of the Chairpersons of the municipalities in the State.

Provided that the offices of the Chairpersons of the municipalities reserved under this section shall be allotted by rotation to different municipalities in such manner as may be prescribed.

(10) The reservation of seats under sub-sections (5) and (6) and the reservation of offices of Chairpersons under subsection (8) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

7A. Election Of Chairman :-

* Election of chairman.-

* Omitted by T.N. Municipal Laws (Amendment) Act 18/2006

7B. Omitted :-

7C. Omitted :-

7D. Omitted :-

7E. Omitted :-

7F. Omitted :-

8. Term Of Councillors And Filling Up Of Seats :-

(1) The term of office of councillors shall, save as otherwise expressly provided in this Act be five years beginning and expiring at noon on such date as the State Government may, by notification appoint in that behalf.

(2) Ordinary vacancies in the office of councillors shall be filled scheduled at ordinary elections which shall, in consultation with the State Government be fixed by the Tamil Nadu State Election Commissioner to take place on such days within three months before the occurrence of the vacancies as he thinks fit.

Provided that the State Government may, for sufficient cause, direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(2-A) Omitted.

(3) A councillor elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith but shall hold office only so long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

(4) A casual vacancy in the office of a councillor shall be filled in casual election which shall, in consultation with the State Government be fixed by the Tamil Nadu State Election Commissioner to take place as soon as may be after the occurrence of the vacancy.

Provided that no casual election shall be held to fill a vacancy occurring within six months before the date of retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

(5) A councillor elected at a casual vacancy shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred

[sub-section (6) omitted by Tamil Nadu Act XXV of 1994]

9. Procedure When No Councillor Is Elected :-

(1) If at an ordinary or casual election held under section 8, no councillor is elected, a fresh election shall be held on such day as the State Election Commissioner may fix.

(2) Omitted (2-A) Omitted

(3) The term of office of a councillor elected under this section shall

expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

10. Omitted :-

11. Omitted :-

12. The Chairman And Vice-Chairman Of The Municipality :-

(1) Omitted

(2) "Every council shall elect one of its members to be its chairman".

(3) The council shall elect one of its members other than the persons referred to in sub-section (3) of section 7 and the chairman to be its vice-chairman, and shall nominate a panel of not more than three members any one of whom shall perform the functions of the chairman in the absence of both the chairman and the vice-chairman.

(4) A chairman shall be deemed to have vacated his office on the expiry of his term of office as a councillor or on his otherwise ceasing to be the councillor.

(5) A vice-chairman shall be deemed to have vacated his office on the expiry of his term of office as a councillor or on his otherwise ceasing to be a councillor.

(6) When the office of chairman is vacant, the vice-chairman shall perform the functions of the chairman until a new chairman is elected and assumes office.

(7) When the office of the chairman is vacant and there is either a vacancy in the office of the vice-chairman or the vice-chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the member nominated under sub-section (3) shall until the vice-chairman returns to jurisdiction or, as the case may be, recovers from his incapacity, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the chairman of the council.

(8) An outgoing chairman or vice-chairman is eligible for re-election.

Explanation.- A new chairman or vice-chairman shall be deemed to have assumed office on his being declared elected as such.

12A. Procedure When No Chairman Or Vice-Chairman Is Elected :-

If at an election held under section 12 no Chairman or vice-chairman is elected, a fresh election shall be held.

12B. Chairman, Vice-Chairman Or Councillor Not To Receive Remuneration :-

No chairman or councillor shall receive or be paid, from the funds at the disposal of or under the control of the council, any salary or other remuneration for services rendered by him in any capacity.

12BB. Chairman, Vice-Chairman Or Councillor To Obtain Permission To Undertake Trip To Foreign Country :-

No person holding the office of chairman, vice-chairman or councillor shall undertake any trip to any foreign country in his official capacity as such, except with the permission in writing of the State Government.

12C. Commissioners :-

(1) A Commissioner shall be appointed by the State Government in the case of each municipality included in Schedule IX and in the case of any other municipality notified by the State Government in this behalf. Every notification issued under this sub-section shall specify the reasons therefor.

(2) The Commissioner shall be a whole time officer of the municipality and shall undertake any work in connection with this office without the sanction of the municipal council and the State Government.

(3) The State Government may recover from the municipal council concerned the whole of the salary and allowances paid to any Commissioner appointed under sub-section (1), and such contribution towards his leave allowances, pension and provident fund as the State Government may, by general or special order, determine.

(4) The State Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the Commissioner appointed under sub-section (1).

13. Functions Of The Chairman :-

The chairman of the municipal council shall--

(a) make arrangements for the election of the vice-chairman;

- (b) convene the meetings of the council; and
- (c) perform all the duties and exercise all the powers specially imposed or conferred on the chairman by this Act.

13A. Functions Of The Executive Authority :-

The executive authority of the municipal council shall--

- (a) carry into effect the resolutions of the council;
- (b) furnish to the council such periodical reports regarding the progress made in carrying out the resolutions of that body in the collection of taxes as the council may direct; and
- (c) perform all the duties and exercise all the powers specifically imposed or conferred on the executive authority by this Act and subject, whenever it is hereinafter expressly so provided, to the sanction of the council, and the subject to all other restrictions limitations and conditions hereinafter imposed exercise the executive powers for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes of this Act.

13B. Rights Of Chairman Where A Commissioner Has Been Appointed :-

In the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C the chairman shall have full access to all the records of the municipal council and no official correspondence between the council and the State Government shall be conducted except through the chairman. The chairman shall be bound to transmit communications addressed through him by the commissioner to the State Government or by the State Government to the Commissioner.

14. The Chairman To Be Member Of Every Committee Of The Council :-

*The chairman shall by virtue of his office, be a member of every committee of the council.

* Inserted by T.N. Municipal Laws (Amendment) Act 18/2006

15. Emergency Powers Of Executive Authority :-

The executive authority 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 expense of executing such work or doing such work shall be paid from the municipal fund;

Provided that-

- (a) he shall not act under this section in contravention of any order of the council prohibiting the execution of any particular acts, and
- (b) he shall report the action taken under this section and the reasons therefor to the council at its next meeting.

16. Power Of Executive Authority To Incur Petty Contingent Expenditure :-

The executive authority may, without the sanction of the council incur petty contingent expenditure incidental to the municipal administration, not exceeding fifty rupees in each case;

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 State Government; and
- (b) the executive authority shall report any expenditure incurred under this section and the reasons therefore to the council at its next meeting.

17. Omitted :-

18. Delegation And Devolution Of Functions Of Chairman :-

(1) The chairman may by an order in writing, delegate any of his functions to the vice-chairman;

Provided that he shall not delegate any functions which the municipal council expressly forbids him to delegate.

(2) If the chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated his functions shall, during such absence or incapacity, devolve on the vice-chairman;

Provided that where the absence from jurisdiction of the chairman is within the State of Tamil Nadu and is on business connected with the municipality, the chairmans functions shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1), devolve on this vice-chairman;

(3) If the vice-chairman also has been continuously absent from

jurisdiction for more than fifteen days or is incapacitated or if the office of vice-chairman is vacant, the chairman may, by an order in writing, delegate any of his functions to any councillor who shall be styled chairman delegate during the period of delegation.

Provided that--

(i) when an order of delegation made under this subsection is in force, no further order of delegation of any functions shall be made in favour of any one other than the councillor in whose favour the order in force was made;

(ii) no delegation under this sub-section shall, without the special sanction of the council, be made for any period exceeding in the aggregate ninety days in any year; and

(iii) every order made under this sub-section shall be communicated forthwith to the council and to the District Collector.

(4) Omitted by Tamil Nadu Act XXIII of 1978.

(5) The exercise or discharge of any functions delegated under sub-sections (1) and (3) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the chairman and shall also be subject to his control and revision. The chairman shall also have power to control and revise the exercise or discharge of any functions devolving on the vice-chairman under sub-section (2).

18A. Rights And Duties Of Commissioner :-

(1) (a) The Commissioner shall have the right to attend the meetings of the council or any committee thereof, and take part in the discussions thereat but shall not have the right to move any resolutions or to vote.

(b) He shall attend any meeting of the council or of any committee if required to do so by the chairman.

(2) In the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C the officers and servants of the municipal council shall be subordinate to the commissioner.

(3) subject to any directions given or restrictions imposed by the State Government or the municipal council, the commissioner may, by order in writing delegate any of his functions to any officer or servant of the council or to any servant of the Government. The exercise or discharge of any functions so delegated shall be subject to such restrictions, limitations and conditions as may be laid down by the commissioner and shall also be subject to his control and revision.

19. Functions Of The Council :-

Subject to the provisions of this Act the municipal administration shall vest in the council, but the council shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to the chairman or executive authority.

20. Duties And Powers Of Individual Councillors :-

(1) Any councillor may call the attention of the executive authority to any neglect in the execution of municipal work, to the case of municipal property, or to the wants of any locality and may suggest any improvements which may appear desirable,

(2) Every councillor shall have the right to move resolutions and to interpellate the chairman on matters connected with the municipal administration subject to such regulations as may be framed by the council.

(3) Every councillor shall have access during office hours to the records of the council after giving due notice to the executive authority provided that the Executive authority may for reasons given in writing forbid such access.

21. Councils Powers To Call For Record :-

The council may at any time require the executive authority to produce any document which is in his custody.

The executive authority shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interest of the council or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the council, refer the question to the district collector, whose decision shall be final.

22. Obligation Of The Executive Authority To Carry Out Councils Resolution :-

The executive authority shall be bound to give effect to every resolution of the council unless such resolution is modified, suspended or cancelled by a controlling authority.

23. Appointment Of Standing Committees :-

(1) A council may, with the previous approval of the State Government, constitute such number of standing committees not

exceeding three for the purpose of exercising such power, discharging such duties or performing such functions as they may delegate to them, or may appoint individual councillors or committees to enquire into and report or advise on any matter which it may refer to them.

Provided that nothing contained in this sub-section shall apply to the Taxation Appeals committee referred to in section 23-A.

(2) The composition of standing committees and the method of appointment of chairman and the term of office of members and chairman of standing committees shall be such as may be prescribed.

23A. Taxation Appeals Committee :-

Notwithstanding anything contained in this Act.

(1) For every Municipality, there shall be a Taxation Appeals Committee which shall consist of the chairman of the municipal council who shall also be the chairman of the Taxation Appeals Committee, and four councillors selected by the council.

(2) The business of the Taxation Appeals Committee shall be transacted in accordance with the rules made by the State Government in the behalf.

24. Appointment Of Special Committees :-

It shall be lawful for the council from time to time by a resolution supported by not less than one-half of the sanctioned strength of the council to appoint as members of any committee any persons who are not councillors but who may in the opinion of such council possess special qualifications for serving on such committee. But the number of persons so appointed on any committee shall not exceed one-third of the total number of members of such committee. All the provisions of this Act relating to the duties, powers, liabilities, and disqualification and disabilities of councillors shall, save as regards the disqualification on the ground of residence be applicable, so far as may be to such person.

Provided that nothing contained in this section shall apply to the Taxation Appeals Committee referred to in section 23-A

24A. Preparation Of Development Plan :-

There shall be prepared every year a development plan for the municipality and the panchayat town and submitted to the District Planning Committee constituted under section 241 of the Tamil

Nadu Panchayats Act, 1994 (Tamil Nadu Act XXI of 1994) having jurisdiction over the municipality or the town panchayat.

24B. Wards Committee :-

(1) These shall be constituted by the State Government, wards committee or committees consisting of one or more wards within the territorial area of the municipality having a population of three lakhs or more.

(2) Each wards committee shall consist of;

(a) all the councillors of the Municipality representing the wards within the territorial area of the wards committee.

(3) where a wards committee consists of:

(a) one ward, the councillor representing that ward in the Municipality; or

(b) two or more wards, one of the councillors representing such wards in the Municipality elected by the members of the wards committee, shall be the chairperson of that committee.

(4) The chairperson shall vacate office as soon as he ceases to be a councillor.

(5) In the event of the office of the chairperson falling vacant before the expiry of his term, the wards committee shall, as soon as may be, after the occurrence of the vacancy, elect a new chairperson in accordance with sub-rule (3).

Provided that a chairperson so elected shall hold office only so long as the person in whose place he is elected would have held it if such vacancy had not occurred.

(6) The duration of the wards committee shall be co-extensive with the duration of the municipality.

(7) The functions and duties of the wards committee and the procedures to be adopted by such committee for transaction of its business shall be such as may be prescribed.

25. Rules And Regulations For Proceeding Of Council :-

The council shall observe the rules in schedule III and may make regulations not inconsistent therewith or with other provisions of this Act or any rules made by the State Government in regard to the following matters:-

(a) the time and place of its meetings;

(b) the manner in which notice thereof shall be given;

- (c) the preservation of order and the conduct of proceedings at meetings, and the powers, which the chairman may exercise for the purpose of enforcing his decisions on points or order;
- (d) the division of duties among the members of the council;
- (e) the constitution and procedure of committees;
- (f) the delegation of its power, duties or functions
- (i) to the chairman, a councillor, an officer or servant of the council or a servant of the Government; or
- (ii) to a committee constituted under clause (e) or to its chairman or to any one or more of its members;
- (g) the persons by whom receipts may be granted for money paid to the council; and
- (h) all other similar matters.

26. Appointment Of The Joint Committee :-

(1) A council may, and if so required by the State Government shall join with one, or more than one other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.

(2) a joint committee may include persons who are not members of the local authorities concerned but who may in their opinion possess special qualifications or special interest for serving on such committee:

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7), have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine-

- (a) the total number of members of the joint committee;
- (b) the number who shall be members of the local authorities concerned and the number who may be outsiders;
- (c) the person who shall be members of the joint committee or the manner in which they shall be elected or appointed.
- (d) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed;
- (e) the term of office of members and chairman;
- (f) the powers, being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee.

(g) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) If the State Government take action under sub-section (1) they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the State Government whose decisions shall be final.

(8) The powers of the State Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port, only be exercisable with the concurrence of the Central Government.

27. Notification Of Election :-

All elections of chairman, vice-chairman and members of municipal councils shall be notified in the official Gazette.

28. Presidency Of Council :-

(1) Every meeting of the council shall be presided over by the chairman; in his absence by the vice-chairman; and in the absence of the both the chairman and the vice-chairman the councillors and-

(a) in the case of town panchayats, the persons referred to in clauses (b) and (c) of sub-section (2) of section 3-C and.

(b) in the case of municipalities, the persons referred to in clauses (b) and (c) of sub-section (3) of section 7, shall elect one from among the councillors to preside for the occasion.

(2) The chairman shall preserve order and shall decide all points of order arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall, save as is otherwise expressly provided in this Act, be final.

(3) A vice-chairman or councillor presiding for the occasion shall, for that meeting, and during the period that he presides over it, have all the powers of the chairman.

29. Omitted :-

30. Councillor When To Abstain From Taking Part In

Discussion And Voting :-

(1) No councillor shall vote on, or take part in the discussion of any question coming up for consideration at a meeting of the council or of any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The chairman may prohibit any councillor from voting or taking part in the discussion of any matter in which he believes such councillor to have such interest or he may require such councillor, to absent himself during the discussion.

(3) such councillor may challenge the decision of the chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the chairman is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

(5) The councillor concerned shall not be entitled to vote on the question referred to in sub-section (3), and the chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4)

Explanation I - Chairman in this section includes a vice-chairman, or councillor, or presiding for the occasion.

Explanation II - Councillor in this section shall include

(a) In the case of town panchayats, the persons referred to in clauses (b) and (c) of sub-sections (2) of section 3C; and

(b) In the case of municipalities, the persons referred to in clauses (b) and (c) of sub-section (3) of section 7;

31. Power Of Chairman, Vice-Chairman Or Councillor To Resign :-

Any councillor or vice-chairman may resign his office by giving notice to the chairman; the chairman may resign his office by giving notice to the Commissioner. Such resignation shall take effect in the case of a councillor or vice-chairman from the date on which it is received by the chairman and in the case of a chairman from the date on which it is received by the Commissioner.

32. Acts Of Municipal Council Etc., Not To Be Invalidated By Informality Etc. :-

No act of a municipal council or of a committee thereof or of any person acting as chairman vice-chairman or member of the municipal council or committee shall be deemed to be invalid by reason only for a defect in the establishment of the municipality or committee or on the ground that the chairman, vice-chairman 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 by reason of such act having been done during the period of any vacancy in the office of chairman, vice-chairman or member of the council or committee.

33. Annual Administration Report :-

(1) As soon as may be after the first day of April in every year, and not later than such date as may be fixed by the State Government the municipal council shall submit to the State Government through the District Collector a report on the administration during the preceding year in such form and with such details as the State Government may direct. If the District Collector makes any remarks on the report, such remarks shall be forwarded to the council and the council shall be entitled within such time as the State Government may fix to offer or make such explanations or observations as the council thinks fit.

(2) The executive authority shall prepare the report; the municipal council shall consider his report and forward it to the State Government with its resolutions thereon, if any,

(3) The report and the resolutions thereon, if any, shall be published in such manner as the council, subject to the approval of the State Government may direct.

34. Power Of State Government And Collector For Purposes Of Control :-

(1) The District Collector may enter on and inspect, or cause to be entered on and inspected, any immovable property or any work in progress under the control of any municipal authority in his district.

(2) The State Government or the District Collector may:

(a) call for any document in the possession or under the control of any council or executive authority

(b) require any council or executive authority to furnish any return plan, estimate, statement, account or statistics.

- (c) require any council or executive authority to furnish any information or report on any municipal matter;
- (d) record in writing, for the consideration of the council or executive authority any observations they or he may think proper in regard to its or his proceedings or duties.

35. Collectors Power To Enforce Execution Of Resolutions :-

If it appears to the District Collector that the executive authority of a municipality has made default in carrying out any resolution of the council, the said Collector, after giving the executive authority a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of the executive authority to the State Government and at the same time forward a copy of the same to the council.

36. Power To Suspend Or Cancel Resolutions, Etc. Under Act :-

- (1) The State Government may, by order in writing
 - (i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or
 - (ii) prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Act, if, in their opinion,
 - (a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or
 - (b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or of any other law, or
 - (c) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray:

Provided that the State Government shall before taking action under this section on any of the grounds referred to in clauses (a) and (b) give the authority or person concerned an opportunity for explanation.

Provided further that nothing in this sub-section shall enable the State Government to set aside any election which has been held.

- (2) If, in the opinion of the District Collector, immediate action is necessary on any of the grounds referred to in clause (c) of sub-section (1) he may suspend the resolution, order, licence, permission or act, as the case may be, and report to the State

Government who may thereupon either rescind the Collectors order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that it continues in force with or without modification permanently or for such period as they think fit.

37. Emergency Powers Of Collector :-

(1) The District Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which the council or executive authority 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 such act incurred as the emergency may require shall be paid from the municipal fund.

(2) If the expense is not so paid, such Collector may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against the fund.

(3) such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

(4) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the State Government by the District Collector with the reasons in full for the exercise of such powers; and copy of the letter shall at the same time be sent to the municipal council for information.

38. State Governments Power To Appoint Officers To Supervise Municipalities :-

(1) The State Government may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the municipal councils established under this Act.

(2) All schools, hospitals, dispensaries, vaccine stations, choultries and other institutions maintained by any municipal council and all documents relating thereto shall at all time be open to the inspection of such officers as the State Government may appoint in that behalf.

(3) Municipal authorities and municipal officers and servants shall be bound to afford to inspecting or superintending officers appointed under this section such access at all reasonable times to municipal, property or premises, and to all documents which

subject to any rules framed for their guidance under section 303 (1) and 2(K) they may consider to be necessary to enable them to discharge their duties of inspection or superintendence.

38A. Control Over Municipal Electrical Undertakings :-

The administration by a municipal council of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed not inconsistent with the Indian Electricity Act 1910, as in force for the time being, the rules made under that Act, and term of the licence granted under it to the municipal council.

39. State Governments Power To Undertake Works For, Or To Take Action In Default Of A Municipality :-

(1) If at any time it appears to the State Government that a municipal council, chairman or executive authority has made default in performing any duty imposed by or under this or any other Act, they may by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the State Government may appoint some person to perform it, and may direct that the expense of performing, it shall be paid, within such time, as they may fix, to such person by the municipal council.

(3) The State Government may, with the consent of the municipal council, undertake on its behalf the construction of water-supply, drainage or other works, appoint persons to carry out the construction of such works, and direct that the expenses, including the pay of such persons, be paid from the municipal fund.

(4) If expenses which the State Government have directed under sub-section (2) or (3) to be paid from the municipal fund are not so paid, the District Collector, with the previous sanction of the State Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund except charges for the service of authorized loans.

(5) Such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

(6) If on a representation in writing made by the chairman, the State Government are satisfied that due to the non-co-operation of the councillor with the chairman, the municipal council is not able to function, the State Government may, by notification, authorise

the chairman to perform, subject to the control of the State Government or any officer authorised by the State Government in this behalf, such of the duties imposed upon the municipal council by law and for such period not exceeding six months as may be specified in such notification. During the period for which the chairman is so authorised, there shall be no meeting of the municipal council.

40. State Government To Remove Chairman Or Vice-Chairman :-

(1) The State Government may, by notification, remove any chairman or vice-chairman, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful order issued thereunder or abuses the powers vested in him.

(2) The State Government shall, when they propose to take action under sub-section (1), give the vice-chairman concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the office of vice-chairman shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the municipal council is published in the prescribed manner, or the expiry of one year from the date specified in such notification.

40A. Motion Of No-Confidence In Chairman Or Vice-Chairman :-

(1) Subject to the provisions of this section, a motion expressing want of confidence in the chairman or vice-chairman may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the State Government, signed by such number of councillors as shall constitute not less than one-half of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered by any two of the councillor, signing the notice in person together, to the Regional Director of Municipal Administration.

(3) The Regional Director of Municipal Administration shall then convene a meeting for the considerations of the motion, to be held at the municipal office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the

councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The Regional Director of Municipal Administration shall preside at the meeting convened under this section, and no other person shall preside there at. If within half an hour after the time appointed for the meeting Regional Director of Municipal Administration is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the councillors by the Regional Director of Municipal Administration under sub-section (5).

(5) If the Regional Director of Municipal Administration is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3), Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5) a meeting convened for the purpose of considering a motion under this section, shall not for any reason be adjourned

(7) As soon as the meeting convened under this section has commenced, the Regional Director of Municipal Administration shall read to the council the motion for the consideration of which it has been convened, and declare it to be open for debates.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the council.

(10) The Regional Director of Municipal Administration shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Regional Director of Municipal Administration to the State Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the council, the State Government shall, by notification, remove the chairman or vice-chairman.

(13) If the motion is not carried by such a majority as aforesaid, or

if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same chairman or vice-chairman shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a chairman or vice-chairman.

40B. Removal Of Chairman :-

* Removal of chairman

* Omitted by T.N. Municipal Laws (Amendment) Act, 18/2006

41. State Governments Power To Dissolve Or Supersede Council :-

(1) If, in the opinion of the State Government, the municipality is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers, the State 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.

(1-A) Before publishing a notification under sub-section (1) the State Government shall communicate to the council concerned the grounds on which they propose to do so, fix a reasonable period for the council to show cause against the proposal and consider its explanations or objections, if any:

Provided that where a council has disobeyed an order issued under section 36, the State Government shall not be bound to follow the procedure laid down in this sub-section.

(2) On the date fixed for the dissolution of the council under sub-section (1), all its members as well as its chairman and vice - chairman shall forthwith be deemed to have vacated their offices and the persons referred to the sub-section (2) of section 3-C or sub-section (3) of section 7, as the case may be, shall cease to be represented in the council and fresh elections shall be held in accordance with the provisions of this Act.

(3) Dissolution shall take effect from noon on the date of publication of the notification, if no date is therein specified, and

thereupon the following consequences shall ensue:-

(a) All the members of the council as well as its chairman and vice-chairman shall forthwith be deemed to have vacated their offices

(b) All or any of the functions of the council and the chairman, may, during the period of dissolution be exercised and performed, as far as may be, and to such extent as the State Government may determine, by such persons as the State Government appoint in that behalf and any such person who is not a District Collector or Revenue Divisional Officer may, if the State Government so direct, receive, payment for his services from the municipal fund; the State Government may determine the relations of such person with the municipal secretary (if any), with the district controlling officers and with themselves; and where there is a commissioner the State Government may direct him to exercise and perform any powers and duties of the council in addition to his own.

(c) Omitted

(4) An election to reconstitute a municipal council shall be completed before the expiration of the period of six months from the date of dissolution:

Provided that where the remainder of the period for which the dissolved municipal council would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the municipal council for such period.

(5) 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 had it not been so dissolved

(6) When a council is dissolved under this section, the State 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 the dissolution or supersession and on the date of the reconstitution respectively.

42. Powers Of Officers Acting For, Or In Default Of, Municipal Council And Liability Of Municipal Fund :-

When the District Collector or person appointed by the State Government lawfully takes action on behalf or in default of the municipal council under this Act he shall have all such powers as are necessary for the purpose, and shall be entitled to the same

protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action has been taken by such municipal authority.

CHAPTER 4 ELECTION AND APPOINTMENT OF COUNCILLOR ELECTIONS

43. Election Of Municipal Councillor :-

(1) For the purposes of election to a municipal council, the State Government shall, after consulting the municipal council, by notification, divide the municipality into wards and determine the number of members to be elected the accordance with such scale as may be prescribed.

(2) only one member shall be elected for each ward.

(3) All the electors of a ward irrespective of their Community or sex, shall be entitled to vote at an election to the seat in that ward.

(4) When issuing under sub-section (1) a notification which materially alters the existing division of a municipality into wards, the State Government may direct that the alteration shall take effect from the next ordinary elections.

(5) When a new ward is formed, or when an existing ward is abolished, the Tamil Nadu State Election Commission shall determine.

(a) the ward which each councillor then on the council shall be deemed to represent; and

(b) the ward or wards in which elections shall be held to fill up the vacancies, if any, in the council.

43A. Election Of Same Person For More Than One Ward :-

(1) If any person has been elected for two or more wards, he shall, within seven days from the date of the last of such elections, intimate to the commissioner, the ward for which he chooses to serve.

(2) In default of such intimation, the commissioner shall determine by lot and notify the ward for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the ward so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other wards shall be filled by fresh elections

43AA. Special Provision Relating To Election :-

*Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the municipal council to be held immediately after the 14th day of July 2006, the territorial area of the wards of the municipal council, the total number of wards and the total number of councillors or members, as the case may be, to be returned from such wards shall be the same as they exist on the 14th day of July 2006."

* Inserted by T.N. Municipal Laws (Amendment) Act: 18/2006

43B. Election To The Municipalities Including Town Panchayats :-

(1) The superintendence, direction and control of the preparation of electoral rolls for and the conduct of all elections to the municipalities including town panchayats shall be vested in the State Election Commission consisting of Tamil Nadu State Election Commissioner to be appointed by the Governor under Art. 243-K of the Constitution.

(2) The Governor shall, when so requested by the Tamil Nadu State Election Commission make available to the Tamil Nadu State Election Commission such staff as may be necessary for the discharge of the functions conferred on the Tamil Nadu State Election Commission by sub-section (1)

43C. Powers Of Government To Make Election Rules :-

(1) The State Government may, in consultation with the Tamil Nadu State Election Commissioner make rules regulating the procedure with regard to election.

(2) Without prejudice to the generality of sub-section (1), such rules may provide for all matters not expressly provided for in this Act including deposits to be made by candidates standing for election as councillors the conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by candidates standing for elections as councillor. Provided that the deposits required shall not exceed three thousand rupees.

43D. Voting Machine At Elections :-

Notwithstanding anything, contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines

may be adopted in such ward or wards of a Municipality as Tamil Nadu State Election Commission may have regard to the circumstances of each case, specify.

Explanation:- For the purpose of this section voting machine means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made thereunder shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.

44. Qualifications For Inclusion In Electoral Roll For Municipality And Publication Thereof :-

(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 within the provisions of law for the time being in force in a municipality and shall be deemed to be the electoral roll for such municipality for the purpose of this Act and that no amendment, transposition or deletion of any entry in the electoral roll of the Tamil Nadu Legislative Assembly made after the last date for making nominations for election in any municipality and before the notification of the result of such election, shall form part of the electoral roll for such election, for the purpose of this section.

(1-A) A person shall be disqualified for registration in an electoral roll if he

(a) is not a citizen of India; or

(b) is of unsound mind and stands so declared by a competent Court; or

(c) is for the time being disqualified from voting under the provisions of section any law relating to corrupt practices and other offences in connection with elections.

(1-B) No person shall be entitled to be registered in the electoral roll for any municipality more than once.

(1-C) No person registered in the electoral roll for a municipality shall be entitled to be registered in the electoral roll for another municipality, panchayat or city.

Explanation:- For the purpose of this sub-section, the expressions panchayat and City shall have the meanings respectively assigned to them in the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act

XXXV of 1958), the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Madurai Municipal Corporation Act, 1971 (Tamil Nadu Act XV of 1971) or in any other law for the time being in force.

(1-D) Subject to the provisions of sub-sections (1), (1-A), (1-B) and (1-C) every person who -

(a) is not less than eighteen years of age on the qualifying date; and

(b) is ordinarily resident in a municipality,

shall be entitled to be registered in the electoral roll for that municipality.

Explanation:- For the purpose of this section, "qualifying date" in relation to the preparation or revision of an electoral roll under this Act, means the first day of January of the year in which it is so prepared or revised.

(1-E) (a) A person shall not be deemed to be ordinarily resident in a municipality on the ground only that he owns, or is in possession of, a dwelling house therein.

(b) A person, absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

(c) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place, shall not by reason thereof be deemed to be ordinarily resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in a municipality at any relevant time, the question shall be determined by Tamil Nadu State Election Commission in accordance with such rules as may be prescribed.

(2) Any officer of the State Government or the municipality authorized in this behalf by the Tamil Nadu State Election Commission in consultation with the State Government shall, for the purposes of this Act, prepare and publish in such manner and at such time as the State Government may direct, the electoral roll for the municipality or the alterations to such roll as the case may be.

Explanation:- The power conferred by this sub-section on the person so authorized shall include the power to omit, in the manner and at the times aforesaid from the electoral roll for the municipality published under this sub-section the name of any person who is dead or who incurs any of the disqualifications

specified the sub-section (1-A) or who is disqualified to be included in such part of the electoral roll for any territorial constituency of the Tamil Nadu Legislative Assembly as related to that ward;

Provided that the name of any person omitted from the electoral roll for the municipality by reason of a disqualification under clause (c) of sub-section (1-A) shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force removed under any law authorising such removal.

(2-A) To assist the person authorised under sub-section (2) the Tamil Nadu State Election Commission may employ such persons as it thinks fit;

(3) When a municipality has been divided into wards, the electoral roll for the municipality shall be divided into separate lists for each ward.

(4) Where after the electoral roll for a municipality or any alterations thereto have been published under sub-section (2), the municipality is divided into wards for the first time or the division of the municipality into wards is altered, or the limits of the municipality are varied the person authorised under that sub-section shall, as soon as may be after such division or alteration, or variation, as the case may be, in order to give effect to the division of the municipality into wards or to the alteration of the wards, or to the variation of the limits as the case may be, authorise a re-arrangement and republication of the electoral roll for the municipality or any part of such roll, in such manner as the Tamil Nadu State Election Commissioner direct.

(5) The electoral roll for the municipality published under sub-section (2), as revised by any alterations thereto subsequently published under that sub-section or under subsection (4), shall remain in force until the publication of a fresh electoral roll for the municipality under sub-section (2)

(6) Every person whose name appears in the electoral roll for the municipality as so revised, shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

44A. Jurisdiction Of Civil Courts Barred :-

No Civil court shall have jurisdiction

(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for a municipality; or

(b) the inclusion or execution of any entry in or from an electoral roll by an authority under section 44.

44B. Making False Declaration :-

If any person makes in connection with

(a) the preparation, revision or correction, of an electoral roll, or
(b) the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, with fine, or with both.

45. Omitted By Tamil Nadu Act Vi Of 1968 :-

46. Omitted :-

47. Disqualifications Of Voters :-

Notwithstanding anything contained in sub-section (6) of section 44, no person who is of unsound mind and declared so by the competent court shall be qualified to vote and no person who is disqualified under section 60 shall be qualified to vote so long as the disqualifications subsists.

48. Qualifications Of Candidates :-

(1) No person shall be qualified for election as a councillor, unless
(a) his name is included in the electoral roll of the municipality; and
(b) he has completed his twenty - first year of age.

(2) No officer of Government including a village officer shall be qualified for election or for holding office as a councillor

Provided that this prohibition shall not apply to the holder of any office which does not involve both of the following incidents, namely, that the incumbent

(a) is a whole - time servant of the Government; and

(b) is remunerated either by salary or fees:

Provided further that if any question arises either before or after an election whether any person is or is not disqualified under this sub-section, the question shall be referred to the Governor whose decision shall be final.

(3) Before taking any decision on any such question, the Governor shall obtain the opinion of the State Election Commission and shall

act according to such opinion.

48A. Powers Of Tamil Nadu State Election Commission :-

(1) Where in connection with the tendering of any opinion to the Governor under sub-section (3) of section 48, the Tamil Nadu State Election Commission considers it necessary or 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 (Central Act V of 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 producible 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 enquiry.

(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 (Central Act XLV of 1860) 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 (Central Act 2 of 1974) 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 (Central Act 2 of 1974).

(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 (Central Act XLV of 1860).

48B. Statements Made By Persons To The Tamil Nadu State Election Commission :-

No statement made by a person in the course of giving evidence before the State Election Commission shall subject him to or be used against him in, any civil or criminal proceedings except a prosecution for giving false evidence by such statement.

Provided that the statement;

- (a) is made in reply to a question which he is required by the Commission to answer; or
- (b) is relevant to the subject matter of the inquiry.

48C. Procedure To Be Followed By The Tamil Nadu State Election Commission :-

The Tamil Nadu State Election Commission shall have the power to regulate its own procedure (including the fixing of places and times of its sitting and deciding whether to sit in public or in private)

49. Disqualification Of Candidates :-

(1) A person who has been sentenced by a criminal court to transportation 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 selection as a councillor while the sentence is in force and for six years from the date of the expiration of the sentence.

(1-A) A person convicted of an offence punishable under the protection of Civil Rights Act, 1955 (Central Act XXII of 1955), shall be disqualified for election as a councillor for a period of six years from the date of such conviction.

(2) A person shall be disqualified for election as a councillor if such person is at the date of nomination or election

- (a) of unsound mind, a deaf-mute or a leper;
- (b) an applicant to be adjudicated a bankrupt or insolvent or an uncertificated bankrupt or undischarged insolvent;
- (c) interested in a subsisting contract made with, or any work being

done for, the municipal council except as a shareholder (other than a director) in a company

Provided that a person shall not be deemed to have any interest in such contract of 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; or

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the council is inserted; or

(iv) the sale to the council of any articles in which he regularly trades, or the purchase from the council of any articles to a value in either case not exceeding fifteen hundred rupees in the aggregate in any year during the period of the contract or work

(Cc) employed as paid legal practitioner on behalf of the council or as legal practitioner against the council

(d) an officer or servant holding office under this Act; or an honorary magistrate for the municipal town;

(e) already a councillor whose term of office as such will not expire before his fresh election can take effect; or has already been elected a councillor whose term of office has not yet commenced;

(f) the servant or employer or the official subordinate or official superior of a councillor holding office on the said date; or

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the municipality up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired

(2-A) If the Tamil Nadu State Election Commission is satisfied that a person:

(a) has failed to lodge an account of election expenses within the time and to the manner required by or under the Act and

(b) has no good reason or justification for the failure,

The Tamil Nadu State Election Commission shall, by order published in the Tamil Nadu Government Gazette declare him to be disqualified for being elected as and for being a chairman or a councillor, as the case may be, and any such person shall be disqualified for a period of three years from the date of the order.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (1-A) the Tamil Nadu State Election Commission may direct that such conviction or sentence shall not operate as a disqualification.

(4) Omitted

49A. Disqualification For Chairman, Vice-Chairman And Councillor :-

Notwithstanding anything contained in this Act, no person shall be qualified for being elected as, and for being a chairman, vice-chairman or councillor of a municipality or of a town panchayat if he is a member of the Legislative Assembly of the State or a member of either House of Parliament.

50. Disqualification Of Councillors :-

(1) Subject to the provisions of section 51. a councillor or a person referred to in clause (b) and (c) of sub-section (2) of section 3-C or clauses (a) and (b) of sub-section (2) of section 30 shall cease to hold his office, if he-

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 49;

(aa) is convicted of an offence punishable under the Protection of Civil Right Act, 1955 (Central Act XXII of 1955)

(b) becomes of unsound mind, a deaf-mute, or a leper;

(c) applies to be adjudicated or is adjudicated, a bankrupt or insolvent;

(d) subject to the proviso to clause (c) of sub-section (2) of section 49, acquires any interest in any subsisting contract made with, or work being done for the council except as a shareholder (other than a director) in a company

(dd) is employed as paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council;

(e) is appointed as an officer or servant under this Act or as an honorary magistrate for the municipal town;

(f) accepts employment under or becomes the official subordinate of any other councillor;

(g) Omitted,

(h) ceases to reside in the municipality or within two miles thereof;

(hh) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the municipality within three months after a bill or notice has been served upon him under this Act, or where in the case of any arrears this Act does not require the service of any bill or notice within three months after a notice requiring payment of the arrears (which notice it shall be the duty of the executive authority to serve at the earliest possible date) has been duly

served upon him by the executive authority; or

(i) absents himself from the meetings of the council for a period of three consecutive months reckoned from the date of commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as the chairman or councillor under sub-section (4), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date:

Provided that no meetings from which a councillor absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

Explanation:- A meeting held under sub-rule (2) of rule 2 of Schedule III or rule 3 of that Schedule shall not be deemed to be a meeting within the meaning of this clause.

(2) Notwithstanding anything contained in clause (a) or clause (aa) of sub-section (1) the Tamil Nadu State Election Commission may direct that such conviction or sentence shall not operate as a disqualification.

(3) Where a person ceases to be a councillor under clause (a) or clause (aa) of sub-section (1) or under section 60 such person shall be restored to office for such portion of the period for which such person 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 60 is removed by an order of The Tamil Nadu State Election Commission and any person elected or co-opted to fill the vacancy in the interim shall on such restorations vacate office.

(4) Where a person ceases to be a councillor under clause (i) of sub-section (1) the executive authority shall at once intimate the fact in writing to such person and report the same to the council at its next meeting. If such person applies for restoration suo motu to the council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the Council may at the meeting next after receipt of such application restore him to his office of the chairman or councillor.

Provided that the chairman or a councillor shall not be so restored more than twice during his term of office.

50A. Oath Or Affirmation :-

(1) Every councillor before taking his seat shall make and subscribe at a meeting of the council an oath or affirmation according to the

following form, namely:

I. A.B having been //elected as a councillors //-- Nominated under // the council do//swear in the name of God //--Sincerely affirm // that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) If a person sits or votes as a councillor before he has complied with the requirements of sub-section (1), he shall be liable in respect of each day on which he sits or votes, as the case may be, to a penalty of three hundred rupees to be recovered as arrears of tax under this Act.

51. Decision Of Questions Of Disqualification Of Councillor By District Judge :-

Whenever it is alleged that any person who has been elected as a councillor is disqualified under section 50, section 50-A or section 60 and such person does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, under section 50, section 50-A or section 60 such councillor or any other councillor may, and the executive authority, at the request of the council, shall, apply to the District Judge of the district in which the municipality is situated.

(2) The said judge after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 50 section 50-A or section 60 and his decision shall be final.

(3) Pending such decision, councillor shall be entitled to act as if he were not disqualified.

51A. Election Petitions :-

(1) No election of Chairman or a Councillor shall be called in question except by an election petition presented to the 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 section 27.

An election petition calling in question any election may be presented on one or more of the grounds specified in section 51-B by any candidate at such election, by any elector of the ward concerned, or by any councillor.

(3) A petitioner shall join as respondents to his petition all the

candidates at the election

(4) An election petition.

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

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

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

(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justices in respect of the trial, be continued from day to day until its conclusion unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reason to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial.

51B. Grounds For Declaring Election To Be Void :-

(1) Subject to the provisions of sub-section (2), if the District Judge is for opinion -

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as chairman or councillor 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 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 effected -

(i) by improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or 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 non-compliance with the provisions of this Act or of any rules or orders made thereunder the District Judge shall declare the election of the returned candidate to be void.

(2) If in the opinion of the District Judge a returned candidate has been found guilty by an agent, of any corrupt practice, but the 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 practices 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 District Judge may decide that the election of the returned candidate is not void.

51C. Corrupt Practices :-

The following shall be deemed to be corrupt practices for the purposes of this Act:

(1) Bribery as defined in clause (1) of section 123 of the Representation of the Peoples Act, 1951 (Central Act XLIII of 1951).

(2) Undue influence as defined as the 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 candidates 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 candidates election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or any other person for conveyance of any elector (other than the candidate himself, and the members of his family or his agent) to or from any polling station provided in accordance with the rules made under this Act.

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint 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.

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

52. Omitted :-

53. Omitted :-

54. Omitted :-

55. Omitted :-

56. Infringement Of Secrecy Of Election :-

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 authorized 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 of either description which may extend to six months or with fine or with both.

56A. Minimum Penalty For Personation At An Election :-

Notwithstanding anything contained in section 171 -F of the Indian Penal Code (Central Act XLV of 1860) 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.

56B. Promoting Enmity Between Classes In Connection With

Election :-

Any person 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 punishable with imprisonment for a term which may extend to three years, or fine, or with both.

56C. Prohibition Of Public Meetings On The Day Preceding The Election Day And On The Election Day :-

(1) No person shall convene, hold or attend any public meeting within the municipality within twenty-four hours before the date of commencement of the poll or on the date or dates on which a poll is taken for an election.

(2) Any person who contravenes the provisions of subsection (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

56D. Disturbances At Election Meetings :-

(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 together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held within the municipality 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 chairman 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.

56E. Restrictions On The Printing Of Pamphlets, Posters, Etc. :-

(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 addresses of the printer and the publisher thereof

(2) No person shall print or cause to be printed any election pamphlet or poster -

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document one copy of the declaration is sent by the printer together with one copy of the document to the Commissioner

(3) For the purposes of this section, -

(a) any process for multiplying copies of 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 the 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.

(4) Any person who contravenes any of the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both

56F. Officers, Etc., Elections Not To Act For Candidates Or To Influence Voting :-

(1) No person who is a returning officer, or an assistant returning officer, or a presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate

(2) No such person as aforesaid, and no member of a police force, shall endeavour -

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner

(3) Any person who contravenes the provisions of sub-section (1)

or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

56G. Prohibition Of Canvassing In Or Near Polling Stations :-

(1) No person shall on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards 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 at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) any person who contravenes the provisions of subsection (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

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

56H. Penalty For Disorderly Conduct In Or Near Polling Stations :-

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 in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable 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 (1), and may seize any apparatus used for such contravention.

Explanation :- In this section, 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.

56I. Penalty For Misconduct At The Polling Station :-

(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 by 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 punishable 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.

Explanation :- In this section, the expression polling officer has the same meaning as in section 56-H.

56J. Penalty For Illegal Hiring Or Procuring Of Conveyances At Election :-

(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 used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) Any person who contravenes the provisions of subsection (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

56K. Breaches Of Official Duty In Connection With Election :-

(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression official duty shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

56L. Removal Or Ballot Papers From Polling Station Or Be An Offence :-

(1) No person at an election shall who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1) such officer may, before such person leaves the polling station, arrest or direct a Police Officer to

arrest such person and may search such person or cause him to be searched by a Police Officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another women with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a Police Officer by the presiding officer, or when the search is made by a Police Officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

56M. Other Offences And Penalties Therefor :-

(1) No person at an election shall

(a) fraudulently deface or fraudulently destroy any nomination paper; or

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

(c) fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper; or

(d) without due authority supply any ballot paper to any person or receive any ballot paper from any person or be in possession of any ballot paper; or

(e) fraudulently put into any ballot box anything other than the ballot paper which he is authorized by law to put in; or

(f) without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.

(2) Any person who contravenes the provisions of subsection (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 punishable 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 punishable 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) Any offence punishable under clause (b) of subsection (2) shall be cognizable.

56N. Prosecution Regarding Certain Election Offences :-

No Court shall take cognizance of any offence punishable under section 56-F or under section 56-K or under clause (a) of subsection (2) of section 56-M except on complaint in writing made by order of, or under authority from the State Government.

57. Omitted :-

58. Omitted :-

59. Omitted :-

60. Disqualification Of Persons Convicted Of Election Offences :-

Every person convicted of an offence punishable under sections 56, 56-A, 56-B, 56-C, 56-D, 56-E, 56-F, 56-G, 56-H, 56-I, 56-L, 56-M or under Chapter IX-A of the Indian Penal Code shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of municipal councillor for a period of five years from the date of his conviction

60A. Requisitioning Of Premises, Vehicles Etc., For Election Purposes :-

(1) If it appears to the State Government that in connection with an election under this Act -

(a) any premises other than residential buildings actually occupied are needed or likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle, vessel or animal is needed or is likely to be needed for the purpose of transport of ballot boxes to or from any polling

station, or transport (if members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Government may by order in writing requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning.

Provided that the rent payable in respect of the premises to which the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act XVIII of 1960), apply shall be the fair rent payable for the premises under that Act;

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Government to be the owner or person in possession of the property, and such order shall be served on the person to whom it is addressed

(3) Whenever any property is requisitioned under subsection (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in sub-section.

(4) In this section

(a) "premises" means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;"

(b) "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise

60B. Payment Of Compensation :-

(1) Whenever in pursuance of section 60-A the State Government requisition any premises, there shall be paid by the municipal council to the persons interested compensation the amount of which shall be determined by the State Government by taking into consideration the following, namely :

(i) the rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality:

Provided that the rent payable in respect of the premises to which the provisions of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act XVIII of 1960), apply shall be the fair rent payable for the premises under that Act:

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of

business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested, being aggrieved by the amount of compensation so determined, makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine.

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Government to an arbitrator appointed in this behalf by the State Government for determination, and shall be determined in accordance with the decision of such arbitrator.

Explanation :- In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 60-A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 60-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the municipal council to the owner thereof compensation the amount of which shall be determined by the State Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

Provided that where the owner of such vehicle, vessel or animal, being aggrieved by the amount of compensation so determined, makes an application to the State Government within one month from the date of service of the order determining the compensation for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Government may determine :

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between the person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the State Government in this behalf may decide.

60C. Power To Obtain Information :-

The State Government may, with a view to requisitioning any property under section 60-A, or determining the compensation payable under section 60-B, by order require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.

60D. Powers Of Entry Into And Inspection Of Premises, Etc. :-

(1) Any person authorised in this behalf by the State Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 60-A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.

(2) In this section, the expressions "premises" and "vehicle" have the same meanings as in section 60-A.

60E. Eviction From Requisitioned Premises :-

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 60-A may be summarily evicted from the premises by any officer empowered by the State Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

60F. Release Of Premises From Requisition :-

(1) When any premises requisitioned under section 60-A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned or if there were no such person, to the person deemed by the State Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the State Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the

premises is so delivered.

(2) Where the person to whom possession of any premises requisitioned under section 60-A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the State Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the State Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

60G. Delegation Of Function Of The State Government With Regard To Requisitioning :-

The State Government may, by notification, direct that any powers conferred or any duty imposed on the State Government by any of the provisions of sections 60-A to 60-F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

60H. Penalty For Contravention Of Any Order Regarding Requisitioning :-

If any person contravenes any order made under section 60-A or section 60-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

CHAPTER 5 POWERS OF MUNICIPAL AUTHORITIES IN RESPECT OF PROPERTY CONTRACTS AND ESTABLISHMENT

61. Vesting Of Public Streets And Appurtenances In The Municipal Council :-

All public streets in any municipality, with the pavements, stones and other materials thereof, and all works, materials and other

things provided for such streets, all sewers, drains, drainage work, tunnels and culverts, whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials and things appertaining thereto shall vest in the municipal council.

(2) The State Government may by notification withdraw any such street, sewer drain, drainage works, tunnel or culvert from the control of the council.

61A. Duty Of Municipal Council In Respect Of Public Streets Withdrawn From Its Control :-

Where any public street has been withdrawn from the control of a municipal council under sub-section (2) of section 61 and placed under the control of the Highways Department of the State Government, it shall be the duty of the municipal council to provide at the cost of the municipal fund, to such extent as the State Government may by general or special order direct, -

(a) for the lighting, watering, scavenging, and drainage of such street;

(b) for the provision, maintenance and repair of the water-supply mains, drains and sewers in, alongside or under such street;

(c) for the provision, maintenance and repair of footways attached to such street:

Provided that where in the discharge of such duties, it is necessary for the council to open and break up the soil or pavement of any such street, the council shall obtain the previous consent of such officer of the Highway Department, as the State Government may by general or special order specify:

Provided further that in cases of emergency, the council may, without such consent, open and break up the soil or pavement of any such street, but shall, as far as practicable, restore such soil or pavement to the condition in which it was opened and broken up; and a report of the action so taken and the reasons therefor shall be sent forthwith to the officer specified under the foregoing proviso.

62. Collected Sewage, Etc. To Belong To Municipal Council :-

All rubbish and filth and other matter collected by a municipal council under this Act shall belong to the council.

63. Power Of Board Of Revenue To Transfer Control Of Endowments To Municipal Council :-

(1) Subject to the control of the State Government the Board of Revenue may by notification, with the consent of a municipal council, make over to the council the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Tamil Nadu Endowments and Escheats Regulation, 1817 and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to the council as if it had been specially named in the said regulation, and the council shall manage and superintend such endowment.

(2) The Board of Revenue may of its own motion and shall on a direction from the State Government, by notification, resume the management and superintendence of any endowment made over to a municipal council under sub-section (1); and upon such resumption, all the powers and duties attaching to the council in respect of the endowment shall cease and determine.

64. Inventory Of Municipal Property :-

(1) The executive authority shall maintain an inventory of all immovable property owned by the municipal council or to which the council has a reversionary right.

(2) A copy of the said inventory shall be deposited in the office of the Revenue Divisional Officer of the division in which the municipality lies, or, where there is no division in the office of the District Collector and all changes shall be forthwith communicated to the said officer or Collector.

65. Limitation Of Power To Accept Property In Trust :-

The council may accept trusts relating exclusively to the furtherance of any purpose to which the municipal fund may be applied.

66. Objects Not Provided, For By This Act :-

The State Government may, with the consent of a municipal council transfer to the council the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be lawful for the council to undertake such management

or execution

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the council by the State Government.

67. Procedure For Acquisition Of Immovable Property Under The Land Acquisition Act, 1894 :-

Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the, said property shall vest in the council.

68. Delegation Of Authority To Contract And Contractual Powers Of Persons Appointed By Government :-

A council of the grade specified in column (1) of the Table below may delegate to the chairman or to a committee consisting of two or more members the power of making on its behalf any contract the value or amount whereof does not exceed the sum specified in the corresponding entries in column (2) of that Table:

The Table

Grades Maximum value or amount

(1) (2)

Rs.

1. (a) Special grade municipalities with an average annual income of more than fifty lakhs of rupees. 5,000

(b) Selection grade municipalities with an average annual income of not more than fifty lakhs of rupees but more than twenty-five lakhs of rupees 5,000

2. I Grade municipalities with an average annual income of not more than twenty -five lakhs of rupees but more than ten lakhs of rupees 4,000

3. II Grade municipalities with an average annual income of not more than ten lakhs of rupees but more than five lakhs of rupees 3,000

4. III Grade municipalities with an average annual income of not more than five lakhs of rupees 2,000

Provided that in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C, the power of making on behalf of the council all contracts shall be exercised by a

committee consisting of the chairman, the commissioner and one member of the council elected by it; and the council shall not exercise or delegate the power of making such contracts.

Explanation :- The average annual income shall for the purpose of this Table be calculated under General Account Ordinary for three consecutive financial years immediately preceding the financial year in which such calculation is made.

(2) In respect of a contract the value or amount whereof exceeds the sums specified in column (2) of the Table under sub-section (1), the sanction of the council for the making thereof shall be obtained before the same is made.

(3) Notwithstanding anything in the two preceding sub-sections, any person appointed by the State Government to carry any work into execution on behalf of a municipal council may, subject to such control as the State Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution to the extent of the sum provided for such work and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose to the extent aforesaid.

68A. Rules Regarding The Conditions On Which Contracts May Be Made :-

The power conferred by section 68 to make or sanction contracts shall be subject to such rules as may be prescribed in regard to the conditions on which, and the mode in which, contracts may be made or sanctioned by or on behalf of municipal councils.

69. Mode Of Executing Contracts :-

(1) Every contract made by, or on behalf of, a council, whereof the value or amount exceeds one hundred rupees shall be in writing and except in the case of contracts made under the provisions of sub-section (3) of section 68 shall be signed by two municipal councillors :

Provided that in the case of municipalities included in Schedule IX or notified under sub-section (1) of section 12-C, every contract shall be signed by the commissioner.

(2) A contract executed or made otherwise than in conformity with the provisions of this section, or section 68, and of the rules referred to in section 68-A shall not be binding on the municipal council.

70. Establishment Of Municipal Council :-

(1) The sanction of the council shall be obtained for all purposes for fixing or altering the number, designations and grades of the officers and servants and the salaries, fees and allowances payable to them.

(2) Such proposals shall be taken into consideration by the council only at the instance of the executive authority and the council may sanction them with or without modifications.

Provided that no proposal adversely affecting any municipal officer or servant who has been in the permanent service of the municipality for more than five years and is drawing a salary of not less than fifty rupees per mensem, shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to, unless assented to by at least one-half of the members then on the council.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government shall have power to fix or alter the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of any municipal council or any class of such officers and servants; and it shall not be open to the municipal council to vary the number, designations, grades, salaries, fees or allowances as so fixed or altered, except with the previous sanction of the State Government

71. The Secretary, The Health Officer And The Engineer :-

In any municipality which is neither included in Schedule IX nor notified under sub-section (1) of section 12-C at post of secretary may be sanctioned by the council.

(2) Any municipal council, by special resolution may, and every council which during three consecutive years has realized an income of one hundred thousand rupees from ordinary receipts, shall, if so required by the State Government, sanction a post of health officer and a post of municipal engineer.

(2-A) Any municipal council which has undertaken the generation, transmission, or supply of electrical energy, by special resolution may, and if so required by the State Government shall, sanction a post of municipal electrical engineer. Any such Municipal Council, if so required by the State Government, shall also sanction by special resolution, one or more posts of assistant municipal electrical engineer.

(3) The salaries of these officers shall be fixed by the municipal council subject to the approval of the State Government.

(4) Every secretary, health officer engineer, electrical engineer or assistant electrical engineer shall devote his whole time to the duties of his office and shall not engage in any other profession, trade or business.

72. Filling Up Of The Appointment Of Health Officer, Engineer Or Electrical Engineer :-

(1) On the occurrence of a vacancy in, or after the creation of, an office of health officer, engineer, electrical engineer, or assistant electrical engineer an appointment shall be made thereto by the council subject to the approval of the State Government within four months from the date on which the vacancy occurred or the office was created or, in the event of any appointment so made by the council not being confirmed by State Government within thirty days of the date of the receipt by the council of the orders of the State Government.

(2) In default of an appointment being made by the council as aforesaid, the State Government may appoint a person to hold the office, and such appointment shall, for all purposes, be deemed to have been made by the municipal council.

(3) Pending the settlement of an appointment under sub-section (1) or (2) the municipal council may appoint a person to hold the office temporarily and may direct that the person so appointed shall receive such salary not exceeding the sanctioned salary of the post as it shall think fit.

(4) No such officer shall be removed from office except with the consent of the State Government. Such consent shall be given if the removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the council.

73. Filling Up Of Appointments Other Than Those Specified In Sections 12-C And 72 :-

Save as provided in sections 12-C and 72, appointments to all posts under the municipal council the pay or the maximum pay of which exceeds fifty rupees per mensem shall be made by a committee consisting of the chairman, the commissioner and one member elected by the council and appointments to all other posts

under the council shall be made by the executive authority, subject to any rules (including rules for the representation of different communities) which the State Government may make in this behalf.

Provided that in case of emergency-

- (a) the executive authority may appoint temporarily such officers and servants as may in his opinion be required for the purposes of this Act and the employment of whom for any particular work has not been prohibited by any resolution of the municipal council; and
- (b) every appointment made under clause (a) shall be reported by the executive authority to the council at its next meeting.

73A. Power Of State Government To Transfer Officers And Servants Of Municipalities Or Corporations :-

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government shall have power.

(a) to transfer any officer or servant of a municipality to the service of the Municipal Corporation of Chennai constituted under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Madurai constituted under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act XV of 1971) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act XXV of 1981) or any other municipal corporation constituted under any law for the time being in force; or

(b) to transfer any officer or servant of any of the municipal corporation referred to the clause (a) to the service of any municipality: or

(c) to transfer any officer or servant of any municipality to the service of any other municipality.

(2) The State Government shall have power to issue such general or special directions as they may deem necessary for the purpose of giving due effect to any transfer made under sub-section (1)

74. Power Of Council To Frame Service Regulations :-

Subject to the provisions of this Act and any rules which the State Government may make in this behalf the council may frame regulations in respect of officers and servants on the municipal staff

- (a) fixing the amount and nature of security to be furnished;
- (b) prescribing education or other qualifications;
- (c) regulating the grant of leave, leave allowances, acting

allowances and travelling allowances;

(d) regulating the grant of pensions and gratuities;

(e) establishing and maintaining provident funds and making contribution thereto compulsory;

(f) regulating conduct; and

(g) generally prescribing conditions of service :

Provided -

(i) that the amount of any leave, leave allowances, travelling allowances, pension or gratuity provided for in such regulations shall in no case without the special sanction of the State Government exceed what would be admissible in the case of Government servants of similar standing and status;

(ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

75. Power To Punish Municipal Officers Or Servants :-

Subject to the provisions of section 77 and to such control as may be prescribed by the State Government the executive authority may censure, fine, withhold promotion from, recover the whole or part of any pecuniary loss caused to the municipal council from the pay of, reduce, suspend, remove or dismiss any officer or servant in the service of the municipality except a health officer, a municipal engineer, a municipal electrical engineer or an assistant municipal electrical engineer for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct:

Provided that a fine shall not be imposed on any municipal officer or servant unless he is a bill collector or the holder of a post which is classified by the State Government as inferior or menial.

76. Power To Grant Leave To Establishment :-

The executive authority may grant leave to all municipal officers and servants.

76A. Power Of State Government To Appoint Health Officer, Engineer Or Electrical Engineer :-

Notwithstanding anything contained in this Act,-

(a) the State Government may by notification take power to appoint the health officer, the municipal engineer, the municipal

electrical engineer or the assistant municipal electrical engineer in the case of any municipality or class of municipalities;

(b) the State Government may recover from the municipal council concerned the whole or such proportion of the salary and allowances paid to any such health officer, engineer, electrical engineer or assistant electrical engineer and such contribution towards his leave allowances, pension and provident fund as the State Government may, by general or special order, determine;

(c) the State Government may, at any time, withdraw any such health officer, engineer, electrical engineer or assistant electrical engineer and appoint another in his place: and

(d) the State Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the health officers, engineers, electrical engineers and assistant electrical engineers appointed under clause (a).

77. Special Provisions Regarding Government Servants Lent To Council :-

(1) The State Government may, on the application of any municipal council, place the services of any Government servant employed in connection with the affairs of the State at the disposal of the council to be employed by it for the purposes of this Act. The council shall pay any Government servant so employed the salary he may be entitled to receive under the rules of the branch of Government service to which he belongs, and shall also make any contribution towards the pension and leave allowances of such servant as may be required, by the conditions of his service under the Government to be paid by him or on his behalf.

(2) If such servant, while employed by the municipal council or if any other servant of the council does any work for the State Government, the State Government shall contribute to the municipal fund so much of the salary of such servant as the State Government may consider to be an equivalent for such work.

(3) No Government servant employed by a municipal council shall be dismissed or removed from such employment

(a) in case he is employed as a medical officer, without the consent of the State Government and

(b) in any other case, without the consent of the State Government or until three months notice in writing to that effect shall have been

given to the chief controlling authority of the branch of the Government service to which the Government servant belongs

(4) No Government servant employed by a municipal council shall, except in cases of emergency, be withdrawn from the service of the council without the consent, of the municipal, council, unless and until the State Government shall have given three months notice in writing to that effect to the municipal council or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by municipal councils shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.

77A. Provincialization Of Any Class Of Municipal Officers Or Servants :-

(1) Notwithstanding anything contained in this Act, the State Government may, by notification constitute any class of officers or servants of municipal councils into a municipal service for the Presidency of Madras :

Provided that no notification shall be issued under this sub-section

(i) unless all the municipal councils constituted under this Act have been consulted in respect thereof, and

(ii) unless a majority of the councils so consulted have passed a resolution supporting such issue.

(2) Upon the issue of a notification under sub-section (1), the State Government shall have power, subject to the provisions of section 304 to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the municipal service thereby constituted and such rules may vest jurisdiction in relation to such service in the State Government or in such other authority or authorities as may be prescribed therein

77AA. Teachers (Including Headmasters) And Other Persons Employed In Connection With The Municipal Schools To Be Government Servants :-

(1) Notwithstanding anything contained in this Act or any other law for the time being in force, on and from the 1st June. 1986-

(a) all teachers (including Headmasters) and

(b) all officers and servants of the municipal councils employed in connection with the municipal schools shall become whole-time

Government servants.

(2) Notwithstanding anything contained in the Act and subject to the provisions of Article 311 of the Constitution the State Government may make rules regulating the conditions of service of the teachers (including Headmasters) and other persons referred to in sub-section (1)

77B. Management Of Certain Municipal Colleges And Appointment Of Staff Etc Thereto :-

Notwithstanding anything contained in this Act, where a college maintained by a municipal council is affiliated to a University, the management of the college shall, if the laws of the University so require, vest in a governing body constituted in accordance with such laws and such governing body shall exercise in relation to the members of the teaching staff and the establishment of the college all powers of appointment, control and punishment, which by or under the Act vest in the committee referred to in section 73 or in the executive authority.

PART 3 TAXATION AND FINANCE

CHAPTER 6 TAXATION AND FINANCE

78. Enumeration Of Ordinary Taxes And Powers Of Control Of State Government :-

(1) Every municipal council may levy.

(a) Property tax;

(b) a profession tax;

(c) a tax on carriages and animals;

(d) a tax on carts.

(dd) a tax on advertisement other than advertisements published in the newspapers and advertisements broadcast by radio or television.

(2) A hill station municipal council may also levy a tax on servants.

(3) Any resolution of a municipal council determining to levy a tax shall specify the rate at which any such tax shall be levied and the date from which it shall be levied.

Provided that before passing a resolution imposing a tax for the first time or increasing the rate of an existing tax the council shall publish a notice in at least one vernacular newspaper, on the notice

board of the municipal office and in such other places within municipal limits as may be specified by the council and by beat of drum, of its intention, fix a reasonable period not being less than one month for submission of objections and consider the objections, if any, received within the period specified.

Provided also that any resolution abolishing an existing tax or reducing the rate at which a tax is levied shall be immediately reported to the State Government and in municipalities which have an outstanding loan either from the Government or from the public or any other local body, such abolition or reduction shall not be carried into effect without the sanction, of the State Government.

Provided also that where any resolution under this section has taken effect for a particular year, no proposals to alter the rates or date fixed in such resolution so far as that year is concerned shall be taken into consideration by the council.

78A. Duty On Transfers Of Property :-

(1) In every municipality, a duty shall be levied on certain transfers of property in accordance with the provisions hereinafter contained in this Act.

79. Special Taxation :-

With the previous sanction of the State Government and the Central Government.

(a) Omitted

(b) a tax on persons travelling by railway from any station notified under section 116 in or near the municipality may be levied by the council of any municipality which is resorted to by pilgrims:

Provided that no portion of the proceeds of any tax levied under clause (b) shall be expended for purposes other than making arrangements for the health and comfort of the pilgrims or the improvement or development of the municipal area.

80. Notification Of New Taxes :-

When a municipal council shall have determined subject to the provisions of sections 78 and 79 to levy any tax for the first time or at a new rate, the executive authority shall forthwith publish a notification in the district gazette and by beat of drum specifying the rate at which the date from which and the period of levy, if any, for which such tax shall be levied.

80A. Saving For Certain Provisions Of The Constitution :-

Nothing in this part of this Act shall authorise a municipal council to levy any tax which the State Legislature has no power to impose in the State under the Constitution.

Provided that a municipal council which immediately before the commencement of the Constitution was lawfully levying any such tax under this part of this Act as then in force, may continue to levy that tax until provision to the contrary is made by Parliament by law.

81. 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:

(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 executive authority within such date as may be prescribed, a return for such building or land containing such details as may be prescribed for the assessment 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 executive authority within such time as may be prescribed a return in such form containing such details as may be prescribed for the assessment of property 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 subsection (3) or furnishes an incomplete or incorrect return the executive authority 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 which shall be furnished to the owner or occupier of the building or land.

(5) On receipt of a return under sub-section (2) or subsection (3) or on the basis of the return prepared by the executive authority

under sub-section (4) and after considering the objections if any received, the executive authority shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned.

(5-A) In the case of failure to furnish a return under sub-section (2) or sub-section (3) the executive authority 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 tax determined under sub-section (5), whichever is higher.

(6) For the purpose of assessment of property tax for any building or land in the Municipality the executive authority 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.

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge upon the said buildings 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 tax.

82. Minimum And Maximum Basic Property Tax, Additional Basic Property Tax, Etc. :-

The State Government shall prescribe the minimum and the maximum rates of-

(a) basic property tax for the building or land having regard to

(i) 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.

(bb) additional basic property tax for every building with reference to its type of construction;

(c) the concession with regard to age of the building.

83. Determination Of Basic Property Tax, Additional Basic Property Tax, Etc By Municipal 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 municipal council subject to the minimum and maximum rates prescribed by the State Government under section 82.

(2) The Municipal Council shall notify the rates determined under sub-section (1) and such other particulars 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 and tiled roof;

(B) reinforced concrete cement roof;

(C) reinforced concrete cement roof with mosaic flooring partly or fully;

(D) granite, ceramic tiles and marble flooring and walls partly or fully;

(iii) A concession on the 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.

84. Assessment And Calculation Of Property Tax :-

(1) For the purpose of levy of property tax, every building shall be assessed together with its sites 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 municipal council;

(b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the municipal 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 municipal 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 1st 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 executive authority 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 executive authority shall determine the property tax payable for such land at the rate fixed by the municipal 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 executive authority shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the municipal council.

Provided that the property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon does not exceed two thousand and four hundred square feet.

(5) The municipal 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.

85. 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 from such date as the State Government may, by notification appoint. The executive authority may revise the property tax in accordance with the provision of this Act and the rules made thereunder:

Provided that there shall be an interval of five years between one general revision and another general revision.

86. General Exemption :-

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 where 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 destitute 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 (Central Act VII of 1904) and such ancient and historical monuments declared by or under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 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 (Tamil Nadu Act 25 of 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 State Government, but not including residential quarters attached thereto;

(g) burial and burning grounds included in the book kept in the municipal office under section 281;

(h) the bed of any river or canal or any river or canal belonging to

Government which do not provide any income to 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 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 for which rent or service charges is payable by the person using the same for the purposes referred to in the said clauses.

87. Power To Rectify Error Apparent On The Face Of The Record :-

(1) The executive authority 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 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.

88. Levy Of Fine :-

(1) Where a person fails to pay the property tax within the time specified the executive authority shall impose upon him, by way of fine a sum as fixed by the municipal 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 alter the issue of the property tax book, the executive authority may, if he is satisfied that the owner or occupier wilfully filed false return, the executive authority 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.

88A. Education Tax :-

The municipal council may levy education tax within its area at such rate not exceeding five per cent of the property tax and in such manner as the municipal council may determine.

89. 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 executive authority under this Act other than the orders relating to the duty on transfer of property,-

(i) for every town panchayat consisting of the Chairman of the municipal council who shall be the Chairman of the Taxation Appeals Committee and such number of members as may be notified by the State Government from among the members of the town panchayat;

(ii) for every municipality, consisting of the Chairman of the municipal 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 State 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 District Judge.

(4) No appeal shall be entertained by the 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 Appeal Committee till the disposal of the appeal by the 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.

90. Omitted :-

91. Omitted :-

92. Omitted :-

93. Profession Tax :-

(1) If the council by a resolution determines that a profession tax shall be levied every company which, after the date specified in the notification published under section 80, transacts business in the municipality for not less than sixty days in the aggregate in any half-year; and every person, who after the said date, in any half-year-

(a) exercises a profession, art, or calling or transacts business or holds any appointment, public or private-

(i) within the municipality for not less than sixty days in the aggregate, or

(ii) outside the municipality but who resides in the municipality for not less than sixty days in aggregate, or

(b) resides in the municipality for not less than sixty days in the aggregate and is in receipt of any pension or income from investments, shall pay a half-yearly tax assessed in accordance with the rules in Schedule IV.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) If a company or person proves that it or he has paid the sum due on account of the profession tax levied under this Act, or under the Madras Local Boards Act, 1920, or the companies or profession tax levied under the Chennai City Municipal Act, 1919, or any tax of the nature of a profession tax imposed under the Cantonments Act 1924, for the same half-year to any municipal council or local board or cantonment authority in the Presidency of Madras, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other municipal council, local board or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act, or any of the aforesaid Acts.

(4) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession tax for more than the higher of the

amounts of the tax leviable by any of the local authorities. In such a case the State Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the State Government shall be final;

Provided that where one of the local authorities concerned is a cantonment authority or the Port authority of a major Port, the decision of the State Government shall be subject to the concurrence of the Central Government.

5. Nothing contained in this section shall apply to any person subject to the Army Act, 1950, the Navy Act, 1957 or the Air Force Act, 1950 who is compelled by the exigencies of military, naval or air force duty to reside within the limits of the municipality.

94. Liability Of Members Of Firms, Associations And Joint Hindu Families To Profession Tax :-

The profession tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

94A. Liability Of Servants Or Agents To Profession Tax :-

(1) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in a municipality, such company or person shall be deemed to transact business in the municipality and such servant or agent shall be liable for the profession-tax, in respect of the business of such company or person, whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

(2) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax, on the same income as that of the principal.

95. Service Of Notice On Failure Of Payment Of Tax :-

If the profession-tax due from any company or person is not paid, the executive authority shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service.

95A. Statements, Returns Etc., To Be Confidential :-

All statements made, returns furnished or accounts or documents

produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

96. Requisition On Owner Or Occupier To Furnish List Of Persons Liable To Tax :-

The executive authority may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art calling, or appointment of every such person and the rent, if any paid by him and the period of such occupation.

97. Requisition On Employers Or Their Representatives To Furnish List :-

(1) The executive authority may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house or club or of a firm or company-

(a) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house, club, firm or company as officers, servants, dubashes, agents, suppliers, or contractors, with a statement, of the salary or income of such employed persons, and

(b) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

97A. Deduction Of Profession Tax From Salary Or Wages Or Other Sum :-

(1) Every employer shall, on receipt of a requisition from the executive authority, deduct from the salary or wages of any person employed by the employer as an officer or a servant or from any such salary payable by the employer to any person employed by the employer as dubash, agent, supplier or contractor, such amount of profession tax, as may be specified in such requisition, as being due from such employed person.

Explanation.- In this sub-section "employer" includes the head or secretary, or manager of any public or private office, hotel,

boarding-house, club, firm or company.

(2) Every person responsible, for making any deduction under sub-section (1) may, at the time of making the deduction, increase or reduce the amount to be deducted under sub-section (1) for the purpose of adjusting any excess or deficiency arising out of any previous deduction or failure to deduct during the half-year.

(3) any deduction made in accordance with the provisions of sub-sections (1) and (2) and paid to the municipality shall be treated as a payment of profession tax on behalf of the person from whose salary or wages the deduction was made or on behalf of the person to whom the sum from which the deduction was made is payable, and credit shall be given to him for the amount so deducted on the production of the certificate furnished under sub-section (5) in respect of the profession tax, if any, due from that person for the relevant half-year under this Act.

(4) Any sum deducted in accordance with the provisions of sub-sections (1) and (2) shall be paid within the prescribed time to the credit of the municipality.

(5) Every person making the deduction under sub-section (1) or sub-section (2) shall, at the time of payment of the salary or wages or sum, furnish to the person to whom such payment is made a certificate to the effect that profession tax has been deducted, and specifying the amount so deducted and such other particulars as may be prescribed.

(6) Where profession tax due from any employed person is deducted under sub-section (1) or sub-section (2), the person from whose salary or wages the deduction was made or the person to whom the sum from which the deduction was made is payable shall not be called upon to pay the tax himself to the extent to which tax has been so deducted.

(7) Every person, making the deduction under subsection (1) or sub-section (2) shall prepare and, within such period as may be prescribed after the expiry of the half year, deliver or cause to be delivered to the executive authority in the prescribed form and verified in the prescribed manner, a return in writing showing the name and residential address of every person from whose salary or wages deduction was made under sub-section (1) or sub-section (2), and of every person to whom the sum from which such deduction was made is payable, the amount so deducted, and the half year to which the deduction relates.

(8) If any person responsible for making any deduction under sub-section (1) or sub-section (2) fails to comply with any of the

provisions of this section, he shall be punishable with fine which may extend to five hundred rupees:

Provided that nothing contained in this sub-section shall apply to the Central Government or any State Government or any officer of any such Government.

(9) The provisions of this section shall apply notwithstanding any law to the contrary for the time being in force.

98. General Provisions Regarding Tax On Carriages And Animals :-

(1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the executive authority shall levy the said tax half-yearly on carriages and animals kept or used within the municipality which are of the kinds specified in Schedule IV.

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maximum laid down in Schedule IV.

99. Liability To Tax According To Period For Which Carriage Or Animal Has Been Kept :-

(1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept or used within the municipality for an aggregate period of not less than sixty days in the half-year.

(2) If such aggregate period exceeds fifteen days but is less than sixty days a moiety one half only of the half-yearly tax shall be leviable.

(3) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the municipality shall, until the contrary is shown, be presumed to have kept or used the same within the municipality for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-sections (1) and (2), no person shall be liable-

(a) to pay tax to the municipality during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid to the municipality by some other person; or

(b) to pay tax to the municipality on account of any carriage or animal in respect of which tax has already been paid to any other municipality or any local board or Cantonment Board, whether under this Act, the Chennai City Municipal Act, 1919, the Madras Local Boards Act, 1920 or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such carriage or animal, over the tax already paid to the other municipality, the local board or Cantonment Board, as the case may be.

100. Exemptions :-

(1) The carriage and animal tax shall not be levied on-

- (a) carriages and animals belonging to the Government and used for military purposes;
- (b) carriages and animals kept solely for sale by carriage-makers and dealers;
- (c) carriages which have been under repair or standing at a carriage-makerss during the whole of the half-year;
- (d) animals which during the whole of the half-year have been kept in any institution for the reception of infirm animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

101. Composition :-

With the sanction of the council or in accordance with regulations framed by that body, the executive authority may compound, for any period not exceeding one year, with any livery-stable keeper or other person Reeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

102. Forms To Be Sent To And Returned By Taxpayers :-

(1) The executive authority shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept or used by him as the executive authority considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, and signed and dated, and returned within one week of its receipt to the municipal office by the person to whom it has been sent,

(3) On the expiry of the period of one week referred to in sub-section (2), the executive authority shall cause a notice to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which in the opinion of the executive authority such person is liable on account of the tax on carriages and animals.

103. Grant Of Licence On Payment Of Tax :-

When any person pays the amount of tax due in respect of any carriage or animal, the executive authority shall grant him a licence to keep or use such carriage or animal for the period to which the payment relates.

104. Power To Require Numbers To Be Affixed To Bicycles, Etc. :-

(1) The executive authority may direct that a municipal number shall be affixed-

- (a) to every carriage let out for hire within the municipality, and
- (b) to every bicycle and tricycle kept or used within the municipality:

Provided that no municipal number shall be requisite in the case of carriages to which a number must be affixed under the provisions of any special Act.

(2) the numbers affixed under sub-section (1) shall be registered in the municipal office.

105. General Provisions Regarding Cart-Tax :-

(1) If the council by a resolution determines that a tax shall be levied on carts, the executive authority shall levy the said tax half-yearly at the rate (which shall not exceed four rupees per cart per half-year, fixed by the council and specified in the notification published under section 80 in pursuance of such resolution and from the date specified in such notification in respect of all carts kept or used within the municipality.

(1-A) Notwithstanding anything contained in sub-section (1), no person shall be liable-

- (a) to pay tax to the municipality during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid to the municipality by some other person; or
- (b) to pay to the municipality on account of any cart in respect of

which tax has already been paid to any other municipality or any local board or Cantonment Board, whether under this Act, the Chennai City Municipal Act, 1919, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924, more than the excess, if any, of the tax payable in the municipality in respect of such cart, over the tax already paid to the other municipality, the local board or the Cantonment Board, as the case may be.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

(3) The council may direct that a municipal number shall be affixed to every registered cart.

(4) The executive authority shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the municipal office.

(6) Such book shall be open to the inspection of any person who pays any tax to the municipality at all reasonable times without charge.

(7) This section shall not apply to carts belonging to the Government and used for military purposes, or carts-kept solely for sale by cart-makers and dealers.

106. Power To Remit Tax :-

The tax on carts shall not be levied on any cart which is shown to the satisfaction of the executive authority to have been kept or used within the municipality for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cartmakers during the whole of the half-year.

106A. Prepayment Of Municipal Tax Condition Precedent To Registration Under Tamil Nadu Act V Of 1911 :-

Where the Tamil Nadu Hackney Carriage Act, 1911, is in force in any area of a municipality, the person appointed to perform the functions of the Commissioner under the said Act in respect of such area shall, before registering any hackney carriage thereunder satisfy himself that the municipal council has received payment of the tax, if any, due under section 98 or section 105, as the case may be, on account of the last preceding half year and the current half-year.

107. Seizure Of Vehicles Not Bearing Numbers :-

(1) If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 104 or section 105, as the case may be, the executive authority may at any time seize and detain the vehicle and the animal, if any, by which it is drawn: Provided that no vehicle other than a bicycle, tricycle, or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

(2) If the vehicle or animal seized be not claimed and the tax due thereon paid within ten days from the date of seizure the executive authority may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of

(i) the tax, if any due, on the vehicle or animal sold;

(ii) such penalty not exceeding the amount of the tax as the executive authority may direct; and

(iii) a sum of one rupee on account of charges incurred in connection with the seizure, detention and sale.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the executive authority may direct; and

(iii) a sum of eight annas on account of charges incurred in connection with the seizure and detention.

107A. Tax On Advertisements :-

Every person who erects, exhibits, fixes or retains upon or over any land, building, wall hoarding or structure any advertisement, or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private shall pay on every advertisements which is so erected, exhibited, fixed, retained or displayed to public view, a tax calculated at such rates having regard to the location, size reach and nature of the advertisement and in such manner and subject to such exemptions as the municipal council may, with the approval of the State Government, by resolution determine;

Provided that the rates shall be subject to the maxima and minima

laid down by the State Government in this behalf and in any case such rate of tax shall not exceed rupees five hundred per square metre per half-year:

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 any legislative body or the municipal council; or

(c) of a candidature in respect of such an election:

Provided also that no such tax shall be levied on advertisement which is not a sky-sign and which-

(a) is exhibited within the window of any building; or

(b) relates to the trade or business carried on, within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or to any effects therein or to any sale, entertainment or meeting to be held upon or in the name; or

(c) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or

(d) relates to the business of any railway administration; or

(e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

Explanation I- The word "structure" in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation II- The expression "sky-sign" shall, in this section, mean 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 which sky-sign 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, parachutes or other similar device employed wholly or in part for 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;

(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 course of any wall, or to the bridge 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 station, yard, platform or station approach belonging to a railway administration, and so placed that it cannot fall into any street or public place; or

(e) any notice of land or building to be sold, or let, placed upon such land or building.

Explanation III:- "Public place" shall, for the purposes of this section, mean 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 :- In this Chapter, the expression "advertisement" shall not include any advertisement published in any newspaper and advertisement broadcast by radio or television.

107B. Prohibition Of Advertisements Without Written Permission Of Executive Authority :-

(1) No advertisement shall after the levy of the tax under Section 107-A has been determined upon in the municipal 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 without the written permission of the executive authority.

(2) The executive authority shall not grant such permission if-

(i) the advertisement contravenes any by-law made by the municipal council under clause (28) of Section 306; or

(ii) the tax, if any, due in respect of the advertisement has not been paid; or

(iii) the erection, exhibition, fixation or retention of the advertisement is an offence under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959).

(3) Subject to the provisions of sub-section (2) in the case of an advertisement liable to the advertisement tax, the executive authority shall grant permission for the period to which the payment of the tax relates and no fee shall be charged in respect of such permission."

Provided that the provisions of this section shall not apply to any advertisement, erected exhibited, fixed or retained on the premises of a railway administration relating to the business of a railway administration.

107C. Permission Of The Executive Authority To Become Void In Certain Cases :-

The permission granted under Section 107-B shall become void in the following cases, namely:

- (a) if the advertisement contravenes any by-law made by the municipal council under clause (28) of Section 306 or the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959);
- (b) if any addition to the advertisement be made except for the purposes of making it secure under the direction of the engineer for general purposes;
- (c) if any material change be made in the advertisement or any part thereof;
- (d) if the advertisement or any part thereof falls otherwise than through accident;
- (e) if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained if such addition or alteration involves the disturbance of the advertisement or any part thereof; and
- (f) if the building, wall or structure, upon or over which the advertisement is erected, exhibited, fixed or retained be demolished or destroyed.

107D. Owner Or Person In Occupation To Be Deemed Responsible :-

Where any advertisement shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of Section 107-A or Section 107-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have

expired or become void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

107E. Removal Of Unauthorised Advertisement :-

If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of Section 107-A or 107-B or after the written permission for the erection, exhibition, fixation, or retention thereof for any period shall have expired or become void, the executive authority may, by notice, in writing, require the owner or occupier of the land, building wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed.

107F. Collection Of Tax On Advertisement :-

The executive authority may farm out the collection of any tax on advertisements leviable under Section 107-A for any period not exceeding one year at a time on such terms and conditions as may be provided for by by-laws made under Section 306

108. General Provisions Regarding Servants Tax :-

(1) If a hill station municipal council by a resolution determines that a tax shall be levied on servants, the executive authority shall collect a monthly tax from the date and at the rates which shall not exceed two rupees a month for each servant fixed by the council and specified in the notification published under section 80 in pursuance of such resolution from every employer of private menial and of domestic servants who is not liable for the profession tax or as proprietor for the property tax.

(2) The tax may differ for different classes of servants.

(3) The tax shall be payable at the full monthly rate for every servant employed for not less than fifteen days in the aggregate out of every thirty days from the commencement of the employment, and at a moiety (one half) of the monthly rate for

every servant employed for less than fifteen days but not less than seven days in the aggregate during such periods.

(4) If the tax remains unpaid at the end of seven days or fifteen days, as the case may be, the executive authority may serve upon the employer a notice requiring him to pay within three days from the service of such notice the sum for which he is believed to be liable, and may, on the expiry of such period, recover from the said employer the sum specified in such notice.

(5) Every person, who has paid the servants tax for any period in a half-year and has also paid the profession tax or (as proprietor) the property tax in the same municipality for that half-year, shall be entitled to a refund of the sum paid as servants tax.

109. Power To Call For List Of Servants :-

The executive authority may by notice require-

- (a) every employer of private menial and domestic servants, and
- (b) every secretary, owner or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing of the private menial and domestic servants employed by him or by every person resident in such place.

110. Omitted :-

111. Omitted :-

112. Omitted :-

113. Omitted :-

114. Omitted :-

115. Omitted :-

116. Levy Of Pilgrim Tax :-

(1) Where a municipality is visited by pilgrims and the occasions for pilgrimage occur at intervals of years of only once or twice in a single year, a tax on persons leaving the municipality or its neighbourhood by railway, shall be levied only for a specified period in respect of each, such occasion. Where occasions for pilgrimage are more frequent or a municipality is a place of pilgrimage or perennial resort, the tax may be levied throughout the year.

(2) The occasion and the period of levy of the tax shall, in consultation with the railway administration concerned, and with the previous approval of the State Government, be determined by the municipal council.

(3) If the council resolves that the tax shall be levied such tax shall be collected from the date and during the period specified in the notification published under section 80 in pursuance of such resolution as a surcharge on the tickets of all passengers travelling by railway from any one of the railway stations in or near the municipality and named in such notification to any other railway station more than a specified distance therefrom.

(4) The rates at which the tax shall be levied on each class of tickets shall be determined by the municipal council but shall not exceed the rates in the following table.-

Tax

For limited		Throughout the					
		periods			year		
(1)		(2)			(3)		
		Rs.	A.	P.	Rs.	A.	P.
For first-class tickets	...	0	8	0	0	4	0
For second-class tickets	...	0	4	0	0	2	0
For intermediate class tickets	...	0	3	0	0	1	6
For third class tickets	...	0	2	0	0	1	0

Provided that the rates leviable on season tickets, if any shall be determined by the municipal council in consultation with the railway administrations concerned but shall not for a period of one month or any less period exceed six times the rates given in column (2) of the above table.

(5) The State Government may make rules not inconsistent with this Act for regulating-

(i) the collection of the tax,

(ii) the payment thereof to the council concerned,

(iii) the deduction of any expenses incurred by railway administrations in the collection thereof, and (iv) the decision of disputes

(a) between municipal councils and between municipal councils and other local authorities, and

(b) between municipal councils and railway administrations in matters connected with the levy, collection or apportionment of the tax :

Provided that rules relating to the decision of disputes shall not have effect in relation to a dispute to which the cantonment authority, or the port authority of a major port, or the administration of any railway as defined in clause (20) of Article 366 of the Constitution, is a party, unless the rules are made with the concurrence of the Central Government

116A. Method Of Assessment Of Duty On Transfers Of Property :-

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 a municipality; and

(b) at such rate as may be fixed by the State Government, not exceeding five percent, on the amount specified below against such instrument:

Description of instrument Amount on which duty should be levied

(i) Sale of immovable property The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.

(ii) Exchange of immovable property The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.

(iii) Gift of immovable property The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by an authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899) the market value as so determined by such authority

(iv) Mortgage with possession of immovable property The amount secured by the mortgage, as set forth in the instrument.

(v) Lease in perpetuity of immovable 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.

116B. Provisions Applicable On The Introduction Of Transfer Duty :-

On the introduction of the transfer duty-

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within the limits of a municipality and outside such limits;

(b) section 64 of the same Act shall be read as if it referred to the

municipal council concerned as well as the Government.

116C. Power To Make Rules Regarding Assessment And Collection Of Transfer Duty :-

The State Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the municipal councils concerned and the deduction of any expenses incurred by the Government in the collection thereof.

117. Power To Exempt From Taxes :-

With the sanction of the State Government the municipal council may exempt any person or class of persons wholly or in part from the payment of any tax But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a member of a municipal council.

117A. Power To Assess In Cases Of Escape From Assessment :-

Notwithstanding anything to the contrary contained this Act or the rules made thereunder, if, for any reason, any person liable to pay any of the taxes or fee 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, to 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 determination of its annual value, 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 for 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.

118. Power To Write Off Irrecoverable Taxes, Etc. :-

The municipal council may write off 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.

119. Definition Of Municipal Fund :-

All moneys received by the municipal council shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of subject to the provisions of this Act or other laws.

120. Budget Estimate :-

The municipal council shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget to the State Government before such date as may be fixed by them in that behalf. The budget shall contain provisions adequate in the opinion of the State Government for the due discharge of all liabilities in respect of loans contracted by the council and for the maintenance of a working balance; and if the budget as submitted to the State Government fails to make these provisions, the State Government may modify any part of the budget so as to ensure that such provisions are made.

121. Revised Or Supplemental Budget :-

If in the course of a year a municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may submit a supplemental or revised budget provided that no alteration shall be made without the consent of the State Government in the amount allotted for the service or debt or in the working balance.

122. Appointment Of Auditors Of Accounts :-

The State Government shall appoint auditors for the accounts 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.

123. Contributions To Expenditure By Other Local Authorities :-

(1) If the expenditure incurred by the State Government or by any other municipality to which this Act applies or by any other local authority in the State of Tamil Nadu for any purpose authorized by or under Part II of schedule IV is such as to benefit the inhabitants

of a municipality, the municipal council may, with the sanction of the State Government, make a contribution towards such expenditure.

(2) The State Government may direct a municipal council to show cause within a month after receipt of the order containing the direction, why any contribution described in subsection (1) should not be made.

(3) If the municipal council fails to show cause within the said period to the satisfaction of the State Government the State Government may direct it to make such contributions as they shall name, and it shall be paid accordingly.

124. Application Of Schedule Iv :-

The rules and tables embodied in Schedule IV shall be read as part of this chapter.

124A. Recovery Of Loans And Advances Made By The State Government :-

Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the State Government shall be entitled to recover in the manner provided by sub-section (4) of section 36 of this Act or by suit any loan or advance made to any municipal council for any purpose to which the funds of the said council may be applied under this Act.

124B. Finance Commission :-

(1) The Finance Commission referred to the Article 243-1 of the Constitution shall review the financial position of the municipalities and town panchayats and make recommendations to the Governor as to -

(a) the principles which shall govern,-

(i) the distribution between the State Government and the municipalities and the town panchayats of the net proceeds of the taxes, duties, tolls and fees leviable by the State Government which may be divided between them and the allocation between the municipalities and the town panchayats of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the municipalities and the town panchayats.

(iii) the grants-in-aid to the municipalities and the town panchayats

from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the municipalities and the town panchayats;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the municipalities and the town panchayats.

(2) The Governor shall cause every recommendation made by 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 VIA - TAX ON PROFESSION, TRADE, CALLING AND EMPLOYMENT
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124C. Definitions :-

For the purposes of this Chapter,

(a) "employee" means a person employed on salary and includes, -

(i) a Government servant receiving pay from the revenue of the Central Government or any State Government;

(ii) a person in the service of a body whether incorporated or not, which is owned or controlled by the Central Government or any State Government, where such body operates within the municipal limit even though its headquarters may be outside the municipal limit; and

(iii) a person engaged in any employment by an employer, not covered by sub-clauses (i) and (ii);

(b) "employer" in relation to an employee earning any salary on a regular basis under this means, the person or the officer who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the Manager or Agent of the employer;

(c) "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year.

(d) "month" means a calendar month;

(e) "person" means any person who is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club, body of persons or association, so engaged but does not include any person employed on a casual basis;

(f) "tax" means the tax on profession, trade, calling and employment levied under this Chapter.

124D. Levy Of Profession Tax :-

(1) There shall be levied by the Municipal Council a tax on profession, trade, calling and employment.

(2) Every company which transacts business and every person, who is engaged actively or otherwise in any profession, trade, calling or employment within the Municipality on the first day of the half-year for which return is filed, shall pay half-yearly tax at the rates specified in the Table below in such manner as may be prescribed:

THE TABLE			
Serial number	Average half-yearly income		Half-yearly tax.
(1)	(2)		(3)
	From	To	
	Rs.	Rs.	Rs.
1.	Upto 21,000	Nil
2.	21,001	30,000	60
3.	30,001	45,000	150
4.	45,001	60,000	300
5.	60,001	75,000	450
6.	75,001 and above	600

(3) The rate of tax payable under sub-section (2) shall be published by the executive authority in such manner as may be prescribed.

(4) Where a company or person proves that it or he has paid the sum due on account of the tax levied under this Chapter or any tax of the nature of a profession tax imposed under the Cantonments Act, 1924 for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu such company or person shall not be liable, by reason merely of change of place or business, exercise of profession, trade, calling or employment, or residence, to pay the tax to any other local authority or cantonment authority.

(5) The tax leviable from a firm, association or Hindu undivided family may be levied on any adult member of the firm, association or family.

(6) Where a person doing the same business in the same name in one or more places within the Municipality, the income of such business in all places within the Municipality shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter.

(7) Where any company, corporate body, society, firm, body of persons or association pays the tax under this Chapter, any director, partner or member, as the case may be, of such company, corporate body, society, firm, body of persons or association shall not be liable to pay tax under this Chapter for the income derived by such director, partner or member from such company, corporate body, society, firm, body of persons or associations:

Provided that such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources.

(8) Every person who is liable to pay tax, other than a person earning a salary or wage shall furnish to the executive authority a return in such form, for such period and within such date and in such manner as may be prescribed:

Provided that subject to the provisions of sub-sections (10) and (11), such person may make a self assessment on the basis of average half-yearly income of the

previous financial year and the return filed by him shall be accepted without calling for the accounts and without any inspection.

(9) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return without such proof of payment shall not be deemed to have been duly filed.

(10) Notwithstanding anything contained in the proviso to sub-section (8), the executive authority may select ten per cent of the total number of such assessment in such manner as may be prescribed for the purpose of detailed scrutiny regarding the correctness of the return submitted by a person in this connection and in such cases final assessment order shall be passed in accordance with the provision of this Chapter.

(11) If no return is submitted by any person under subsection (8) within the prescribed period or if the return submitted by him appears to the executive authority to be incomplete or incorrect, the executive authority shall, after making such enquiry as he may consider necessary, assess such person to the best of his judgment:

Provided that before taking action under this sub-section, the person shall be given a reasonable opportunity of proving the correctness or completeness of any return submitted by him.

(12) Every person who is liable to pay tax under this section, other than a person earning salary or wage-

(a) shall be issued with a pass book containing such details relating to such payment of tax as may be prescribed and if the pass book is lost or accidentally destroyed, the executive authority may, on an application made by the person accompanied by such fee as may be fixed by the Municipal Council, issue to such person a duplicate of the pass book,

(b) shall be allotted a permanent account number and such person, shall-

(i) quote such number in all his returns to, or correspondence with the executive authority;

(ii) quote such number in all challans for the payment of any sum due under this Chapter.

(13) The rate of tax specified under sub-section (2) shall be revised by the Municipal Council once in every five years and such revision of tax shall be increased not less than twenty five per cent and not more than thirty-five per cent to the tax levied immediately before the date of revision.

124E. Employers Liability To Deduct And Pay Tax On Behalf Of The Employees :-

The tax payable by any person earning a salary or wage shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid him in such manner as may be prescribed and such employer shall, irrespective of whether such deduction has been made or not when the salary or wage is paid to such person be liable to pay tax on behalf of such person:

Provided that if the employer is an officer of the State or Central Government, the Government may, notwithstanding anything contained in this Chapter, prescribe the manner in which such employer shall discharge the said liability.

124F. Filing Of Returns By Employer :-

(1) Every employer liable to pay tax under this Chapter shall file a

return to the executive authority in such form, for such period and by such date as may be prescribed, showing therein the salaries paid by him to the employees and the amount of tax deducted by him in respect of such employees.

(2) Every such return shall accompany with the proof of payment of the full amount of tax due according to the return and a return without such proof of payment shall not be deemed to have been duly filed.

124G. Assessment Of The Employer :-

(1) The executive authority if satisfied that any return filed by any employer under sub-section (1) of Section 24-F is correct and complete, shall accept the return.

(2) Where an employer has failed to file any return under sub-section (1) of Section 124-J within the time or if the return filed by him appears to the executive authority to be incorrect or incomplete the executive authority shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of his judgment and issue a notice of demand for the tax so assessed :

Provided that before assessing the tax due, the executive authority shall give the employer a reasonable opportunity of being heard.

124H. Penalty And Interest :-

(1) In addition to the tax assessed under sub-section (11) of Section 124-D or sub-section (2) of Section 124-G in the case of submission of incorrect or incomplete return the executive authority shall direct the person or employer to pay by way of penalty of one hundred per cent of the difference of the tax assessed and the tax paid as per return:

Provided that no penalty under this sub-section shall be imposed after the period of three years from the date of the order of the assessment under this Chapter and unless the person affected has had a reasonable opportunity of showing cause against such imposition.

(2) On any amount remaining unpaid after the dates specified for its payment, the persons or employer shall pay, in addition to the amount due, interest at such rate not exceeding one per cent per mensem of such amount for the entire period of default as may be prescribed.

124I. Appeal :-

(1) Any person or employer aggrieved by any order or decision of the executive authority in relation to the payment of tax (including penalty, fee and interest) may, within such time as may be prescribed appeal to the Taxation Appeals Committee.

(2) The decision of the Taxation Appeals Committee shall be final and shall not be questioned in any court of law:-

Provided that no such decision shall be made except after giving the person affected a reasonable opportunity of being heard.

124J. Exemptions :-

Nothing contained in this Chapter shall apply to-

(a) the members of the Armed Forces of the Union serving in any part of this State to whom the provisions of Army Act, 1950 (Central Act XLV of 1950) the Air Force Act, 1950 (Central Act XLV of 1950) or the Navy Act, 1957 (Central Act 62 of 1957) applies:

(b) the members of the Central Reserve Police Force to whom the Central Reserve Police Force Act, 1949 (Central Act XLVI of 1949) applies and serving in any part of this State;

(c) Physically disabled persons with total disability in one or both the hands or legs, spastics, totally dumb or deaf persons or totally dumb or deaf persons or totally blind persons :

Provided that such physical disability shall be duly certified by a registered medical practitioner in the service of the Government not below the rank of a Civil Surgeon.

124K. Repeal And Savings :-

(1) The Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (Tamil Nadu Act 24 of 1992) hereinafter in this section referred to as the 1992 Act) in its application to the municipality is hereby repealed.

(2) The repeal of the 1992 Act under sub-section (1) shall not affect.

(i) the previous operation of the said Act or anything done or duly suffered, thereunder; or

(ii) any right, privileges, obligations or liabilities acquired, accrued or incurred under the said Act; or

(iii) any penalty, forfeiture or punishment incurred in respect of any offence committed.

(3) Notwithstanding the repeal of the 1992 Act, the rates of tax on professions, trades, callings and employment specified in the Schedule to the said Act shall continue to apply for the period commencing on the 1st day of April, 1992 and ending with the 30th day of September, 1998 for the levy and collection of such tax for the said period where the tax due under that Act has not been paid for the said period.

(4) The provisions of this Chapter other than the rates of tax specified in sub-section (2) of Section 124-D and the provisions relating to penalty and interest shall mutatis mutandis apply to the levy and collection of tax for the period mentioned in sub-section (3).

(5) The arrears of tax under the 1992 Act, shall be paid in six equal half- yearly instalments in such manner and within such period as may be prescribed.

PART 4 Public Health, Safety and Convenience

CHAPTER 7 WATER SUPPLY, LIGHTING AND DRAINAGE

125. Vesting Of Works In Municipal Councils :-

All public water-courses and springs and all public reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water works existing at the time of the coming into force of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the municipal council or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in the council and be subject to its control:

Provided that nothing contained in this section shall apply to any work which is, or is connected with, a work or irrigation or to any adjacent land appertaining to any such work.

(2) The State Government may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the municipal council and giving due regard to its objection, if any.

126. Construction And Maintenance Of Waterworks :-

(1) The municipal council may, with the sanction of the State Government direct the construction of such works as it deems fit

without the limits of the municipality for supplying it with water and may provide channels, tanks reservoirs, cisterns, engines, mains, wells, fountains, stand-pipes and other works as it may deem fit within the said limits for the use of the inhabitants.

(2) The council may cause existing works for the supply of water to be maintained and supplied with water, or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

127. Trespass On Premises Connected With Water-Supply :-

It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to or vested in a municipal council along which a conduit or pipe runs, or upon any premises connected with the water-supply.

128. Prohibition Of Building Over Water Mains :-

(1) Without the permission of the council no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the council may cause the same to be removed or otherwise dealt with as shall appear to it fit and the expenses thereby incurred shall be paid by the persons offending.

129. Council To Provide Water For Domestic Use :-

The municipal council shall, so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants.

130. Control Over House Connections :-

All house connections, whether within or without the premises to which they belong, with any water-supply mains which may have been constructed by a municipal council shall be under the control of the council, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council in this behalf.

131. Private Water- Supply For Consumption And Domestic Use And Powers Of Executive Authority To Enforce Provision Of Water Supply :-

(1) In municipalities in which there is a pipe supply of water, the executive authority, may at his discretion on application by the owner or occupier of any building, arrange, in accordance with the by-laws, to supply water thereto for domestic consumption and use;

Provided that the executive authority shall not without the sanction of the council, agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees.

(2) Whenever it appears to the executive authority that any dwelling house assessed at an annual value of not less than two hundred rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the executive authority may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws and regulations.

(3) The cost of making the connection and the cost of hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax.

Explanation:- Supply of water for domestic consumption and use shall not be deemed to include a supply.

(a) for any trade, manufacture or business,

(b) for gardens or for purposes of irrigation,

(c) for building purposes,

(d) for fountains, swimming baths, public baths within the municipality or for any ornamental or mechanical purposes,

(e) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire;

but shall be deemed to include a supply :-

(a) for flushing latrines,

(b) for all baths other than swimming baths or public baths

(c) for the consumption and use of inmates of hotels, boarding-houses and the like and for baths used by such inmates

(4) Omitted.

132. Power Of Executive Authority To Supply Water For Non-Domestic Purposes :-

The executive authority may at his discretion supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such a supply is required and the quantity likely to be consumed.

132A. Power Of Council To Make By-Laws For Water-Supply :-

(1) For all water supplied under section 131 or under section 132, payment shall be made on such basis, at such times, and on such conditions as may be laid down in the by-laws made by the Council and shall be recoverable in the same manner as the property-tax.

(2) In particular and without prejudice to the generality of the foregoing power, such by-laws may -

(a) in cases of supply for domestic consumption and use, lay down the maximum free allowance to be made and the rates of charge to be levied in respect of water supplied in excess of such allowance; and

(b) in cases of supply whether for domestic consumption and use or for other purposes, or any class of such cases, lay down that the charge for water supplied shall be based on the number of the taps allowed, irrespective of the quantity of water consumed.

133. Supply Without The Municipality :-

The council may with the sanction of and on such terms (if any) as may be approved by the State Government supply water to a local authority or other person without the municipality.

134. Power To Cutoff Water-Supply :-

(1) The executive authority may cut off the supply of municipal water from any premises-

(a) if the premises are unoccupied.

(b) if any water-tax or any sum due for water for the cost of making a connection or for the cost or hire of a meter or for the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Act, is not paid within fifteen days after a bill for such tax or sum has been presented;

(c) if, after receipt of a notice from the executive authority requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in

contravention of any by-law made under this Act:

(d) if the owner or occupier neglects within a period specified in any notice issued by the executive authority under any by-law made under this Act to put up a meter or to comply with any other lawful order or requisition;

(e) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying municipal water;

(f) if the occupier refuses to admit the executive authority into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply, or prevents the executive authority from doing such work, placing or removing such apparatus or making such examination or inquiry;

(g) if any pipes, taps, works or fittings connected with the municipal water-supply are found on examination by the executive authority to be under repair to such an extent as to cause waste or contamination of water;

(h) if the owner or occupier causes pipes, taps, works or fittings connected with the municipal water-supply to be replaced, removed, repaired or otherwise interfered with in violation of the by-laws:

Provided that in cases under sub-clauses (a), (g) and (h) the executive authority shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (b) as soon as any money for non-payment of which water has been cut off together with the expense of cutting off the supply, has been paid by the owner or occupier, the executive authority shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the municipal water-works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

135. Non-Liability Of Council For Reduction Or Stoppage Of Supply In Certain Cases :-

The municipal council shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water (save in the case of express stipulation in an agreement for the supply of

water for other than domestic purposes) in the case of any drought, or other unavoidable cause or accident, or the necessity for re-laying or repairing pipes.

136. Provision For Lighting Public Streets :-

The municipal council shall, so far as the funds at its disposal permit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

137. Maintenance Of System Of Drainage By Council :-

The municipal council shall, so far as the funds at its disposal may admit, provide and maintain a sufficient system of public drains.

138. Control Over House-Drains, Privies And Cesspools :-

All house drains whether within or without the premises to which they belong and all private latrines and cess-pools within the municipality shall be under the control of the municipal council but shall be altered, repaired, cleaned, and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council in this behalf.

139. Connection Of House-Drains With Public Drains :-

(1) The executive authority shall on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the by-laws, for the connection of the applicants drain with any public drain at a distance not exceeding three hundred feet therefrom at the applicants expense.

(2) If there, is a public drain or outfall within a distance not exceeding one hundred feet of the nearest point on any premises or if within such distance a public drain or outfall is about to be provided or is in the process of construction the executive authority may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place of outfall, and to execute all such works as may be necessary in accordance with the by-laws and regulations at such owners expense.

(3) If any premises are in the opinion of the executive authority without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or its place of outfall, the executive authority may by notice direct the owner of

the said premise to construct a cess-pool or septic tank or filters of such material, dimensions and description, in such position and at such level as the executive authority thinks necessary, and to construct a drain or drains emptying into such cess-pool, tank or filters and to execute all such works as may be necessary in accordance with the by-laws and regulations:

Provided that-

(a) no requisition shall be made under this section on any person who has been exempted from payment of the property tax under sub-section (5) of section 83;

(b) no person shall be required under this section to expend a sum exceeding five times the property tax on any such building, with the land assessed with it as part of the same premises, or in the case of buildings exempted under section 83, five items the property tax which would be payable on such building with the land which would be assessed with it to the property tax if such building were not exempt and if any amount exceeding the said sum is expended, the excess shall be borne by the council.

140. Executive Authority May Close Or Limit The Use Of Existing Private Drains :-

(1) Where a drain connecting any premises with a public drain or other place set apart by the municipal council for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the executive authority adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the executive authority with the approval of the council may-

(a) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(b) direct that such drain shall, from such date as he specifies in this behalf, be used for sullage and sewage only, or for water unpolluted with sullage or sewage only, and by notice require the owner of the premises to make, at his own expense, an entirely distinct drain for water unpolluted with sullage or sewage, or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the executive authority under clause (1) (a) except on condition of his providing another drain as effectual for the drainage of the

premises and communicating with a public drain or other place aforesaid; and the expense of the construction of any drain so provided by the executive authority and of any work done under clause (1) (a) shall be paid by the council.

141. Power Of Executive Authority To Drain Premises In Combination :-

(1) When the executive authority is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain already existing, or about to be provided or in the process of construction may be drained more economically or advantageously in combination than separately, the executive authority may, with the approval of the council, cause such group or block of premises to be drained by such method as appears to the executive authority to be best suited therefor and the expenses incurred by the executive authority in so doing shall be paid by the owners in such proportions as the council may decide

(2) Not less than fifteen days before any work under this section is commenced the executive authority shall give notice to the owners of-

- (a) the nature of the intended work,
- (b) the estimated expenses thereof, and
- (c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only if such premises and shall in the proportion in which it is determined that they are to contribute to the expenses incurred by the executive authority under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

142. Building, Etc., Not To Be Erected Without Permission Over Drains :-

(1) Without the permission of the council, no person shall place or construct any fence, building, culvert, drain-covering, drain or other structure or any street, railway or cable over, under, in or across any public drain, or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The executive authority may remove or otherwise deal with

anything, placed or constructed in contravention of sub-section (1) as he shall think fit and the cost of so doing be recoverable from the owner thereof in the matter provided in section 344.

143. Construction Of Culverts Or Drain-Coverings By Owner Or Occupier :-

(1) The executive authority may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side-channels or ditches at the entrances to the said building or land.

(2) All culverts or drain-coverings or pials maintained over side-channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be provided with such means of ventilation as the executive authority may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

144. Maintenance Of Troughs And Pipes For Catching Water :-

The owner or occupier of any building in a public street, shall, within fifteen days after receipt of notice in that behalf from the executive authority put up and thence forward maintain proper troughs and pipes for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the executive authority may permit.

145. Provision Of Public Latrines And Urinals :-

The council shall, as far as the funds at its disposal may admit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order.

146. Provision Of Latrines By Owner Or Occupier :-

(1) The executive authority may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice for the use of the persons employed in or about or occupying such building and to keep it clean and in proper

order.

(2) Every owner or occupier of the ground on which any group of six or more huts stands shall provide latrines of such description and number and in such position as the executive authority may by notice require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

147. Provision Of Latrines For Labourers :-

Every person employing workmen, labourers or other persons exceeding ten in number, shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number and in such position as the executive authority may by notice require, within such time as may be fixed in the notice.

148. Provision Of Latrines For Markets, Cart-Stands, Cattle-Sheds, Choultry Etc. :-

The executive authority may by notice require the owner or manager of a market, cart-stand, cattle-shed, choultry, theatre, railway station, dock, wharf or other place of public resort within the time specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such position as may be specified in such notice.

149. Latrines To Be Screened From View And Kept Clean :-

All latrines shall be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

150. Power To Carry Wire, Pipes, Drains, Etc., Through Private Property Subject To Causing As Little Inconvenience As Possible And Paying For Direct Damage :-

The executive authority may carry any cable, wire, pipe drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under, or over any road, street or place laid out for a road or street, and after giving reasonable notice to the owner or occupier, through, across, under, over or up the side of, any land or building in the municipality, and may place and maintain posts, poles standards, brackets, or other contrivances to support wires and lights on any

pole or post in the municipality not vested in the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose of which it is intended to be used or for removing the same :

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the executive authority shall, with the sanction of the council, pay compensation to any person who sustains damage by the exercise of such power.

151. Prohibition Against Making Connection With Mains Without Permission :-

(1) No person shall, without the permission of the executive authority, make any connection with any municipal cable, wire, pipe, drain or channel or with the house connection of any other person.

The executive authority may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or remade.

152. Powers In Respect Of Works Outside The Municipality :-

(1) The municipal council shall not under-take new works beyond the limits of the municipality without the sanction of the State Government

(2) The council may in the execution and for the purpose of any works beyond the limit of the municipality sanctioned by the State Government whether before or after the passing of this Act, exercise all the powers which it may exercise within the municipality throughout the line of the country which conduits, channels, pipes, lines of posts and wires and the like run and with the sanction of the State Government

(a) over any lake, tank or reservoir, from which a supply of water for drinking, for producing electric energy or for other purposes is derived, and over all lands within one mile of the high water level of any such lake, tank or reservoir.

(b) over any water-course from which a supply of water for drinking, for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at

which water is taken for such use, and

(c) over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the municipality.

CHAPTER 8 SCAVENGING

153. Municipality To Arrange For The Removal Of Rubbish And Filth :-

(1) The municipal council shall not under-take new works beyond the limits of the municipality without the sanction of the State Government

(2) The council may in the execution and for the purpose of any works beyond the limit of the municipality sanctioned by the State Government whether before or after the passing of this Act, exercise all the powers which it may exercise within the municipality throughout the line of the country which conduits, channels, pipes, lines of posts and wires and the like run and with the sanction of the State Government

(a) over any lake, tank or reservoir, from which a supply of water for drinking, for producing electric energy or for other purposes is derived, and over all lands within one mile of the high water level of any such lake, tank or reservoir.

(b) over any water-course from which a supply of water for drinking, for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at which water is taken for such use, and

(c) over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the municipality.

154. Omitted :-

155. Omitted :-

156. Contributions From Persons Having Control Over Places Of Pilgrimage Etc. :-

Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within the limits of a municipality or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any

special arrangements necessary for public health, safety or convenience whether permanent or temporary shall be made by the municipal council, and the council may require the trustee or other person having control over such place to make such recurring or non-recurring contribution as the State Government may determine to the funds of the municipal council.

157. Prohibition Of Improper Disposal Of Carcasses, Rubbish And Filth :-

No person shall after due provision has been made under section 153 by the municipal council for the deposit and removal of the same,

(a) deposit the carcasses of animals, rubbish or filth, in any street, or on the verandah of any building, or on any unoccupied ground alongside any street, or on any public quay, jetty or landing-place or on the bank of a water-course or tank; or

(b) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth save for the purpose of deodorizing or disinfecting the filth.

158. Prohibition Against Keeping Filth On Premises Too Long, Etc. :-

No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours any filth on such premises or any building or on the roof thereof or in any out-building or any place belonging thereto, or fail to comply with any requisition of the executive authority as to the construction, repair, paving or cleansing of any latrine on or belonging to the premises.

159. Prohibition Against Allowing Outflow Of Filth :-

No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises in such a manner as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of a street.

160. Prohibition Against Using Any Cart Without Cover In

The Removal Of Filth, Etc. :-

No person shall, in the removal of filth, use any cart or receptacle not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or intentionally or negligently spill any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled, or place or set down in any public place any filth whether in a vessel closed or open.

161. Prohibition Against Throwing Rubbish Or Filth Into Drain :-

No person shall put or cause to be put any rubbish or filth into any drain not intended for rubbish or filth or into any drain communicating with any such public drain.

CHAPTER 9 STREETS

162. Maintenance And Repair Of Streets :-

(1) The municipal council shall, at the cost of the municipal fund, cause the public streets and bridges to be maintained and repaired and may from the same fund meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience.

(2) The council may entrust to any other local authority with the consent of such authority the maintenance of any public street or portion thereof, the cost of maintenance being provided by the council.

162A. Planting And Preservation Of Avenue Trees :-

The Municipal council may, at the cost of the municipal fund cause trees to be planted at all convenient places on the sides of all public streets and make adequate arrangements to preserve such trees.

163. Powers Of Municipal Authorities :-

(1) The council may-

- (a) lay out and make new public streets;
- (b) construct bridges and sub-ways;
- (c) turn, divert or with the special sanction of the State Government permanently close any public street or part thereof;

(d) widen open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

164. Power To Dispose Of Permanently Closed Streets :-

(1) When a public street is permanently closed under section 163, the municipal council may, with the sanction of the State Government dispose of the site or of so much thereof as is no longer required, in such manner as may be approved by the State Government, provided that due compensation is made to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

165. Acquisition Of Land And Buildings For Improvement Of Streets :-

(1) The council may acquire-

(a) any land required for opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land; and

(b) any land outside the proposed street alignment, with the building, if any, standing thereupon:

Provided that, in any case in which it is decided to acquire any land under clause (b) of this sub-section, the owner of such land may retain it by paying to the municipal council an annual sum to be fixed by the council in that behalf, or a lump sum to be fixed by the council, not being less than twenty-five times such annual sum and subject to such conditions as the council thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(2) If any sum payable in pursuance of the proviso to sub-section (1) in respect of any land be not duly paid, it shall be recoverable in the manner provided by this Act for the collection of taxes, and if not so recovered, the executive authority may enter upon the land, and sell it, with any erections standing thereon, by public auction

subject to the conditions, if any imposed under sub-section (1) above and may deduct the said sum and the expenses of the sale from the proceeds of the sale and shall pay the balance (if any) to the defaulter.

(3) Any sum paid in pursuance of the proviso to sub-section (1) or recovered under sub-section (2) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing it to the property tax.

(4) Any land or building acquired under sub-section (1), clause (b), may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the council thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(5) The council may require any person to whom any land or building is transferred under sub-section (4) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

166. Power To Prescribe Building Line And Street Alignment :-

The council may-

- (a) Prescribe for any public street a building line or a street alignment or both;
- (b) from time to time define a fresh line in substitution for any line so defined or for any part thereof;

Provided that in either case-

- (i) at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given and special notice thereof has also been put up in the street or part of the street for which such line is proposed to be defined; and
- (ii) the council consider all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

167. Buildings Not To Be Constructed Within Street Alignment Or Building Line :-

(1) No person shall construct any portion of any building within a street alignment defined under section 166.

(2) No person shall erect or add to any building between a street

alignment and a building line defined under section 166 except with the permission of the executive authority who may when granting the permission impose such conditions as the council may lay down for such cases.

168. Setting Back Projecting Buildings Or Walls :-

(1) When any building or part thereof abutting on a public street is within a street alignment defined under section 166, the executive authority may, whenever it is proposed-

(a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet, or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment, in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building, to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the executive authority or otherwise, taken down or when any private land without any building thereon lies within the street alignment, the executive authority may forthwith take possession on behalf of the council of the portion of land within the street alignment and if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the municipal council.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the executive authority takes possession of any land under sub-section (2), the council shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby

Explanation.- The expression direct damage as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

169. Setting Buildings Forward To Improve Line Of Street :-

The council may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, by notice, require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.- For the purpose of this section a wall separating any premises from public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the executive authority is erected along the said line.

170. Projected Streets :-

(1) The council may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, the intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not ordinarily be less than forty feet or in any area covered by huts, twenty feet.

(3) It shall be the duty of the council to lay out public street in areas covered by huts, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such areas, and in view to the contingency of buildings being erected therein.

(4) When any plan has been prepared under sub-section (1), the street to which it refers shall be deemed to be a projected public street, and the provisions of section 168 shall apply to all buildings, so far as they stand across the street alignment or building line of the projected street.

171. Watering Of Streets :-

The council shall, so far as it considers it requisite for the public convenience, and so far as funds permit, cause the chief public streets to be watered, and for that purpose may provide such water-carts, animals and apparatus as it thinks necessary.

172. Temporary Closure Of Streets :-

The executive authority may by an order in writing temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act:

Provided that such work shall be completed and such street reopened to traffic with all reasonable speed.

173. Protection Of Appurtenances And Materials Of Streets

:-

It shall not be lawful for any person, without the permission of the executive authority, to displace, take up, or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

174. Power Of Municipality To Recover Expenses Caused By Extraordinary Traffic :-

When by a certificate of an officer of the Government Public Works Department of a rank not below that of Executive Engineer it appears to the council that, having regard to the average expense of repairing roads in the neighbourhood extraordinary expenses have been incurred by the municipal council in repairing a street by reason of the damage caused by excessive weight passing along the street, or extraordinary traffic thereon, the council may recover in the Civil Court having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such Court to have been incurred by such council by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with the council for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

174A. Omitted :-

175. Owners Obligation To Make A Street When Disposing Of Land As Building Sites :-

If the owner of any land utilizes, 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 cases as the site or sites may abut on an existing public or private street, lay down and

make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

176. Making Of New Private Street :-

(1) Any person intending to make or lay out a new private street, shall send to the municipal office a written application with plans and sections 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 arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the street.

(2) The provisions of this Act and of 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 (1); and all the particulars referred to in that sub-section shall be subject to approval by the council.

(3) Within sixty days after the receipt of any application under sub-section (1) 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.

(4) 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;
- (ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2); or
- (iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the council. If further information is asked for no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information:

Provided that the 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 it considers necessary to enable it to deal finally with the said application. Any application not disallowed within a period of one hundred and twenty days from the date of

receipt in the municipal office shall be deemed to have been sanctioned.

177. Alteration Or Demolition Of Street Made In Breach Of Section 176 :-

(1) If any person makes or lays out any street referred to in section 176 without or otherwise than in conformity with the orders of the council, the executive authority 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 executive authority on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the executive authority or if such alteration be impracticable, why such street should not be demolished, or

(b) require the offender to appear before the executive authority either personally or by a duly authorized 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 executive authority why such street should not be so altered or demolished, the executive authority may pass an order directing the alteration or demolition of such street.

178. Power Of Executive Authority To Order Work To Be Carried Out Or Carry It Out Himself In Default :-

(1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained, conserved or lighted to the satisfaction of the executive authority he may by notice require the owners or occupiers of buildings or lands fronting or abutting on such street or part thereof to carry out any work which in his opinion may be necessary and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the executive authority may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings, or lands and in such proportion as may be settled by the executive authority.

179. Right Of Owners To Require Street To Be Declared Public :-

If any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of section 178 such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

180. Prohibition Against Obstructions In Or Over Streets :-

No one shall build any wall or erect any fence or other obstruction, or projection, or make any encroachment in or over any street except as hereinafter provided.

180A. Public Street Open To All :-

All streets vested in or to be vested in or maintained by a municipal council shall be open to persons of whatever caste or creed.

181. Prohibition And Regulation Of Doors, Ground-Floor Windows And Bars Opening Outwards :-

(1) No door, gate, bar or ground-floor window shall without a licence from the executive authority be hung or placed so as to open outwards upon any street.

(2) The executive authority may by notice require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street.

182. Removal Of Encroachments :-

(1) The executive authority may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor window) situated against or in front of such premises and in or over any street

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid has not expired, the municipal council shall make

reasonable compensation to every persons who suffers damage by the removal or alteration of the same.

183. Power To Allow Certain Projections And Restrictions :-

(1) 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 street in which the construction of arcades has been sanctioned by the council, to put up an arcade; or to construct any step or drain-covering necessary for access to the premises.

(2) The executive authority may grant a licence, subject to such conditions and restrictions as he 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 council shall have power to lease road sides and street margins vested in it for occupation on such terms and conditions and for such period as the council may fix.

(4) But neither a licence under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The State Government may, by notification, restrict and place under such control as they may think fit, the exercise by municipal councils in general or by any municipal council in particular, of the powers under sub-sections (1) and (3).

(6) On the expiry of any period for which a licence has been granted under this section, the executive authority may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 344 from the person to whom the licence was granted.

184. Precautions During Repair Of Streets :-

(1) The executive authority shall, during the construction or repair of any street, drain or premises vested in the municipal council-

(a) cause the same to be fenced and guarded,

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The executive authority shall cause such drain, street, or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The executive authority shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street, or premises and remove the rubbish occasioned thereby.

185. Prohibition Against Removal Of Bars And Lights :-

No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up under section 184.

186. Prohibition Against Making Holes And Causing Obstruction :-

(1) No person shall make a hole or cause any obstruction in any street, unless, he previously obtains the permission of the executive authority and complies with such conditions as that officer may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

187. Licence For Work On Buildings Likely To Cause Obstruction :-

If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or footway is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the executive authority in that behalf and shall also:-

(a) cause the said building to be fenced and guarded,

(b) sufficiently light it during the night, and

(c) take proper precautions against accidents during such times as the public safety or convenience requires.

188. 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 executive authority may by notice allow, clear the street of such obstruction.

189. Naming Of Public Streets Etc :-

(1) With the approval of the State Government, the Council shall give names or numbers to new public streets and shall also give name to park, playground, bus-stand, arch or new municipal property and may, subject to the approval of the State Government, alter the name or number of any public street, park, playground, bus-stand, arch or municipal property:

(2) The executive authority shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall or place, at or near each end, corner or entrance the name of every public street.

(3) No person shall without lawful authority destroy, pull down, or deface any such name or put up any name different from that put up by order of the executive authority.

190. Numbering Of Buildings :-

(1) The executive authority may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the executive authority may by notice require him to replace it.

CHAPTER 10 BUILDING REGULATIONS

191. Building Rules :-

(1) The State Government may make rules-

(a) for the regulation or restriction of the use of sites for building, and

(b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (a), rules made under that clause may provide-

(a) that no insanitary or dangerous site shall be used for building, and

(b) that no site shall be used for the construction of a building intended for public worship, if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (b), rules made under that clause may provide for the following matters:-

(a) information and plans to be submitted together with applications for permission to build;

(b) height of buildings, whether absolute or relative to the width of streets;

(c) level and width of foundation, level of lowest floor, and stability of structure;

(d) number and height of storeys composing a building and height of rooms;

(e) provision of sufficient open space, external or internal, and adequate means of ventilation;

(ee) number of trees to be planted and preserved around a building

(f) provision of means of egress in case of fire;

(g) provision of secondary means of access for the removal of filth;

(h) materials and methods of construction of external and partition walls, roofs and floors;

(i) position, material and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools;

(j) paving of yards;

(k) restrictions on the use of inflammable materials in building; and

(l) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

192. Building Site And Construction Or Reconstruction Of Buildings :-

No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Part and of any rules or by-laws, made under this Act relating to the use of building-sites or the construction or reconstruction of buildings:

Provided that the State Government may in respect of all municipalities or with the consent of the municipal council, in respect of any particular municipality or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of this chapter or the said rules.

193. Power Of Council To Regulate Future Construction Of Certain Classes Of Buildings In Particular Streets Or Localities :-

- (1) The council may give public notice of its intention to declare-
 - (a) that in any streets or portions of streets specified in the notice-
 - (i) continuous building will be allowed.
 - (ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the council may consider suitable to the locality, or
 - (b) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or
 - (c) that in any streets, portions of streets or localities specified in the notice, the construction of shops, factories, warehouses, huts or buildings of a specified architectural character or buildings destined for particular uses will not be allowed, without the special permission of the council.
- (2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.
- (3) The council shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it but not so as to extend its effect.
- (4) The executive authority shall publish any declaration so confirmed and it shall take effect from the date of publication.
- (5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

194. Buildings At Corner Of Streets :-

- (1) The council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.
- (2) For any land so acquired the municipal council shall pay

compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

195. Prohibition Against Use Of Inflammable Materials For Buildings Without Permission :-

No external roof, veranda, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats or other inflammable materials except with the permission of the executive authority.

196. Prohibition Against Constructing Doors, Ground-Floor Windows And Bars So As To Open Outwards :-

No door, gate, bar or ground-floor window which opens on any public street shall be constructed or reconstructed so as to open outwards except with the licence of the executive authority under section 181.

197. Application To Construct Or Reconstruct Building :-

(1) If any person intends to construct or reconstruct a building other than a hut, he shall send to the executive authority-

(a) an application in writing for the 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.

Explanation.- Building in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or by-laws.

198. Necessity For Prior Approval Of Site :-

The executive authority shall not grant permission to construct or reconstruct a building unless and until he has approved of the site on an application made under section 197.

199. Prohibition Against Commencement Of Work Without Permission :-

The construction or reconstruction of a building shall not be begun unless and until the executive authority has granted permission for the execution of the work.

200. Period Within Which Executive Authority Is To Signify Approval Or Disapproval :-

Within thirty days after the receipt of any application made under section 197 for approval of a site or of any information or further information required under rules or by-laws, the executive authority shall by written order either approve the site or refuse on one or more of the grounds mentioned in section 203 to approve the site.

201. Period Within Which Executive Authority Is To Grant Or Refuse To Grant Permission To Execute Work :-

Within thirty days after the receipt of any application made under section 197 for permission to execute any work, or of any information or of documents or further information or documents required under rules or by-laws, the executive authority shall by written order either grant such permission or refuse on one or more of the grounds mentioned in section 203 to grant it:

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 200.

202. Reference To Council If Executive Authority Delays Grant Or Refusal Of Approval Or Permission :-

(1) If, within the period prescribed by section 200 or section 201, as the case may be, the executive authority has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the council shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the council does not, within one month from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

203. Grounds On Which Approval Of Site For, Or Licence To

Construct Or Reconstruct Building, May Be Refused :-

The only grounds on which approval of a site for the construction or reconstruction of a building or permission to construct or reconstruct a building may be refused are the following, namely:-

- (1) that the work, or use of the site for the work or any of the particulars comprised in the site plan, ground plan, elevations, sections or specification would contravene some specified provision of any law, or some specified order, rule, declaration or by-law made under any law;
- (2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;
- (3) that any of the documents referred to in section 197 have not been signed as required under rules or by-laws;
- (4) that any information or documents required by the executive authority under rules or by-laws has or have not been duly furnished;
- (5) that streets or roads have not been made as required by section 175; or
- (6) that the proposed building would be an encroachment upon Government or municipal land.

Whenever the executive authority or the council refuses to approve a building-site for a building or to grant permission to construct or reconstruct a building, the reasons for such refusal shall be specifically stated in the order or resolution.

204. Lapse Of Permission :-

If the construction or reconstruction of any building is not completed within the period specified, the permission shall lapse and a fresh application shall be made before the work is continued.

205. Power Of Executive Authority To Require Alteration Of Work :-

- (1) If the executive authority finds that the work-
 - (a) is otherwise than in accordance with the plans or specifications which have been approved, or
 - (b) contravenes any of the provisions of this Act or any by-law, rule, or declaration made thereunder, he may by notice require the owner of the building within a period stated either-
 - (i) to make such alterations as may be specified in the said notice

with the object of bringing the work into conformity with the said plans or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the executive authority shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

206. Stoppage Of Work Endangering Human Life :-

Notwithstanding anything contained in any of the preceding sections, the executive authority may at any time stop the construction or reconstruction of any building if in his opinion the work in progress endangers human life.

207. Application Of Certain Sections To Wells :-

The provisions of section 197, section 198, section 199, section 204, section 205 and section 206 shall, so far as may be, apply to a well.

208. Application To Construct Or Reconstruct Huts :-

(1) Every person who intends to construct or reconstruct a hut shall send to the executive authority-

(a) an application for permission to execute the work, and

(b) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rule or by-law.

209. Prohibition Against Commencement Of Work Without Permission :-

The construction or reconstruction of a hut shall not be begun unless and until the executive authority has granted permission for the execution of the work on an application sent to him under section 208.

210. Period Within Which Executive Authority Is To Grant Or Refuse To Grant Permission To Execute The Work :-

Within fourteen days after the receipt of any application made under section 208 for permission to construct or reconstruct a hut

or of any information or plan or further information or fresh plan required under rules or by-laws, the executive authority shall by written order either grant such permission or refuse on one or more of the grounds mentioned in section 212 to grant it.

211. Reference To Council If Executive Authority Delays Passing Orders :-

(1) If, within the period prescribed by section 210, the executive authority has neither granted nor refused to grant permission to construct or reconstruct a hut, the council shall be bound, on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the council does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

212. Grounds On Which Permission To Construct Or Reconstruct Hut May Be Refused :-

The only grounds on which permission to construct or reconstruct a hut may be refused are the following, namely:-

(1) that the work or use of the site for the work would contravene some specified provision of any law or some specified order, rule, by-law or declaration made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any information or plan required by the executive authority under rules or by-laws has not been duly furnished;

(4) that streets or roads have not been made as required by section 175; or

(5) that the proposed building would be an encroachment upon Government or municipal land.

Whenever the executive authority or the council refuses to grant permission to construct or reconstruct a hut the reasons for such refusal shall be specifically stated in the order or resolution.

213. Lapse Of Permission :-

If the construction or reconstruction of any hut is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued.

214. Maintenance Of External Walls In Repair :-

The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the executive authority.

215. Application Of Provisions To Alterations And Additions :-

(1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto:

Provided that works of necessary repair which do not affect the position or dimension of a building or any room therein shall not be deemed an alteration or addition for the purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the council whose decision shall be final.

216. Demolition Or Alteration Of Building Work Unlawfully Commenced, Carried On Or Completed :-

(1) If the executive authority is satisfied,

(i) that the construction or reconstruction of any building or well-

(a) has been commenced without obtaining the permission of the executive authority or (where an appeal or reference has been made to the council) in contravention of any order passed by the council, or

(b) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 205 have not been duly made, or

(iii) that any alterations of or addition to any buildings or any other work made or done for any purpose, into or upon any building, has been commenced or is being carried on or has been completed in breach of section 215, he may make a provisional order requiring the owner or the builder to demolish the work done or so much of it as, in the opinion, of the executive authority, has been unlawfully executed or to make such alterations as may in the opinion of the executive authority be necessary to bring the work into conformity with the Act, by-laws, rules, direction or requisitions as aforesaid, or with the plans and particulars on which such permission or order was based; and may also direct that until the said order is complied with the owner or builder shall refrain from proceedings with the building or well.

(2) The executive authority shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the executive authority, the executive authority may confirm the order with any modifications he may think fit to make, and such order shall then be binding on the owner.

217. Exemptions :-

(1) Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than section 196 provided the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building.

(2) The executive authority may grant permission at his discretion on such terms as he may decide in each case to erect for a specified period temporary huts or sheds for stabling, for watching crops, for storing tools or materials, or for other similar purposes. On expiry of the period specified, the executive authority may by notice require the owner of such hut or shed to demolish it.

Chapter XA BUILDING REGULATIONS IN HILL STATIONS
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217A. Application Of Chapter :-

This Chapter shall apply only to hill stations.

217B. 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 State Government and except in accordance with the terms and conditions specified in such licence.

Explanation :- For the purpose of the provisions of this Chapter, "agriculture" includes, horticulture, fruit growing, seed growing, animal husbandry (including breeding of livestock), agriculture, pisciculture and 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-in-charge thereof shall inform, in writing, to the Committee for Architectural and Aesthetic Aspects constituted under section 217-C (hereinafter in this Chapter referred to as the Committee) the intention to do so, giving full particulars thereof, 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 and 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 proposal is not in conformity with the provisions of this Chapter or 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 re-construction of building or putting to use any agricultural land to non-agricultural purpose 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 State Government for approval.

(c) The State 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 State Government.

217C. Application For Licence :-

(1) Every application for a licence under section 217-B shall be in such form, contain such particulars and be accompanied by such plans and fee as may be prescribed and shall be submitted to the executive authority

(2) On receipt of an application under sub-section (1), the executive authority 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 Chapter, and forward the same to the Committee.

(3) (a) For the purpose of this Chapter, the State Government may constitute a Committee called the Committee for Architectural and Aesthetic Aspects for all the hill stations in the State of Tamil Nadu, 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 executive authority in all aspects and forward the same to the State Government with its remarks.

(5) The Committee shall while examining the applications under sub-section (4), shall have regard to the following matters, namely:-

(a) the application for grant of a licence complies with the provisions of this Chapter and rules made thereunder;

(b) the proposed construction or reconstruction of the building or the purpose for which the land is proposed to be used will not be detrimental to the scenic beauty and natural environment of the hill

station;

(c) the proposed construction or reconstruction of a building will aesthetically and architecturally harmonize with the landscape of the hill station;

(d) the possibility of the construction or reconstruction of building, the non-agricultural purpose for which the land is to be used or carrying out of any engineering, mining or other allied operations,

(i) creating unfavourable conditions upon the scenic beauty and natural environment of the hill station; or

(ii) resulting in concentration of population in and around the hill station;

(e) that the proposed use of land will not lead to deforestation and soil erosion;

(f) that the proposed use of land will preserve the special characteristics of the hill station as regards landscape, vegetative cover and climate of the hill station;

(g) the free passage or way to be left in front of the building as may be prescribed;.

(h) the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;

(i) the ventilation of the building, the minimum cubic area of the rooms and the numbers and height of the storeys of which the building may consist;

(j) the provision and position of drains, latrines, urinals and cesspools or other receptacles for rubbish or filth;

(k) the level and width of the foundation, the level of the lowest floor and the stability of the structure;

(l) the line of frontage, with neighbouring buildings if the building abuts on a street;

(m) the means of egress from the building in case of fire;

(n) the materials to be used for, and the method of construction of, external and partition walls, rooms, floor, fireplaces and chimneys;

(o) the height and slope of the roof above the uppermost floor on which human beings are to live or cooking is to be done;

(p) any other matter affecting the ventilation and sanitation of the building; and

(q) such other matters as may be prescribed.

217D. Grant Of Licence :-

On receipt of an application from the Committee with its remarks,

the State 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.

217DD. Grant Of Licence By The Executive Authority To Certain Cases :-

(1) Notwithstanding anything contained the sections 217-B, 217-C, 217-D and 217-P, the executive authority shall on receipt of an application under sub-section (1) of service 217-C 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 the chapters and the matters specified in sub-section (5) of section 217-C 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 station, 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 executive authority 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 State Government in such form, in such manner and in with such fee as may be prescribed.

(b) On receipt of an appeal under this sub-section, the State 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 State Government under this sub-section shall be final.

217E. Power To Cancel Or Suspend Licence :-

(1) The State Government or the executive authority may at any time cancel or suspend any licence granted under section 217-D or section 217-DD. 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 Chapter 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 State Government or the executive authority, as the case may be shall give the holder of the licence, an opportunity of making his representation.

217F. Period Of Licence :-

Every licence granted under section 217-D or section 217-DD 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 not be commenced thereafter unless the State Government or the executive authority, as the case may be on applications made therefor has extended the period of licence.

217G. Penalties :-

(1) Whoever within the area of a hill station begins, continues or completes the construction or reconstruction of a building or puts to use any agricultural land to non-agricultural purpose or carries out any engineering, mining or other allied operations-

(a) without a licence; or

(b) without complying with any of the terms and conditions of a licence; or

(c) when a licence has been refused; or

(d) after the expiry of the licence granted under Section 217-D or

Section 217-DD, as the case may be, shall be punishable with fine which may extend to five thousand rupees.

(2) Whoever within the area of a hill station-

(a) uses any building constructed or reconstructed for a purpose other than that specified in the licence;

(b) puts to use any agricultural land to non-agricultural purpose other than the purpose for which the use of the land was permitted under the licence, shall be punishable with fine which may extend to five thousand rupees.

217H. Penalty For Subsequent Offence :-

Whoever, after having been convicted of an offence under this Chapter, continues to commit such offence, shall be punishable with fine which may extend to three hundred rupees for each day after the previous date of conviction during which the offence continues.

217I. Offences By Companies :-

(1) If the person committing an offence under this Chapter is a company, every person who at the time the offence was committed, was in charge 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 provided in this Chapter, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Chapter 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 also 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) "company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director" in relation to-

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

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

217J. Power To Stop Work :-

The State Government or the executive authority 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 on 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 user of any agricultural land for non-agricultural purpose; or

(e) to stop the building, engineering, mining or other allied operations, if in the opinion of the State Government or the executive authority as the case may be the constructions or reconstructions of the building or part thereof, the user of the building or land or the user of any agricultural and for non-agricultural purpose or the carrying out of the building, engineering, mining or other allied operations is in contraventions of any of the provisions of this Act and in particular, the provisions of this Chapter or the rules made thereunder or any of the terms and conditions subject to which a licence is granted under this Chapter.

(2) If any direction given under sub-section (1) is not complied with, within the time specified in the notice, the State Government or the executive authority as the case may be may have such directions 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 arrears of land revenue.

217K. Review :-

(1) The State 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 orders 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 State 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 State 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 State Government including the grant of a licence to which the application relate; was communicated to the applicant:

Provided that the State 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.

217L. Revision By High Court :-

(1) Any person aggrieved by an order of the State Government under section 217-K 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.

Provided that the High Court may within a further period of thirty days entertain an application made after the said period of sixty days, if it is satisfied that the petitioner had sufficient cause for not making the application within the said period of sixty days.

(2) The application shall be in the prescribed form shall be verified in the prescribed manner and shall be accompanied by such fee as may be prescribed.

(3) In disposing, the application for revision, the High Court may confirm, cancel or vary such order.

Provided that no order prejudicial to any party shall be passed unless such party has been given an opportunity of being heard.

(4) Every order passed under this section shall be final.

217M. Bar On 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 State Government or the executive authority as the case may be
- (b) any terms and conditions subject to which any such licence is granted.
- (c) any direction issued under section 217 -J;
- (d) the operation of any of the provisions of this Chapter or the rules made thereunder.

217N. Civil Courts Not To Decide Question Under This Chapter :-

No civil court shall have jurisdiction to decide or deal with any of questions which is by or under this chapter required to be decided or dealt with by The State Government or the executive authority as the case may be.

217Q. Chapter To Override Other Laws :-

- (1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in this Act or any other 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.

217P. Delegation Of Powers Of Government Under This Chapter :-

- (1) The State Government may by notification, authorise the Collector to exercise any of the powers vested in them under any of the provisions of this Chapter 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 State Government.
- (3) (a) Whenever any power is delegated under sub-section (1) to the Collector of any district, the State Government may, notwithstanding anything contained in sub-section (3) of section 217-C, constitute for such district a committee called the committee for Architectural and Aesthetic aspects for all the hill stations for that 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 a committee

constituted under clause (a) 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.

(c) The provisions of sub-sections (4) and (5) of section 217-C shall, as, far as may be, apply in relation to a committee constituted under this sub-section, as they apply in relation to the committee constituted under clause (a) of sub-section (3), of section 217-G

217Q. Power To Exempt Or Relax :-

The State Government may, if satisfied that it will not result in the deterioration of scenic beauty or destruction of the environment and eco-system of the hill station, by order, -

(a) exempt, subject to such conditions if any, as may be specified, in the order, the Central Government or the State Government or any building or class of buildings from all or any of the provisions of this Chapter or Chapter X of this Act; or

(b) relax, subject to such conditions if any, as may be specified in the order, any rule made under this Chapter or Chapter X of this Act, in favour of the Central Government or the State Government or in respect of any building or class of buildings

CHAPTER 11 NUISANCES

218. Precautions In The Case Of Dangerous Structures :-

(1) If any structure appears to the executive authority to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures the executive authority may by notice require the owner or occupier to fence off, take down, secure or repairs such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary the executive authority shall himself before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 344.

(3) If in the opinion of the executive authority the said structure is imminently dangerous to the inmates thereof, the executive

authority shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

219. Precaution In Case Of Dangerous Trees :-

(1) If any tree or any branch of a tree, the fruit of any tree appears to the executive authority to be likely to fall and thereby endanger any person or any structure, the executive authority may by notice require the owner of the said tree to secure lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the executive authority shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 344.

220. Precautions In Case Of Dangerous Tanks, Wells, Holes Etc. :-

(1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the executive authority to be for want of sufficient repair, protection or enclosure dangerous to the passers-by or to persons living in the neighbourhood, the executive authority may by notice require the owner to fill in, remove, repair, protect or enclose the same as to prevent any danger therefrom.

(2) If immediate action is necessary he shall before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 344.

221. Power To Stop Dangerous Quarrying :-

If in the opinion of the executive authority the working of any quarry or the removal of stone, earth or other material from any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance the executive authority may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removal of stone, earth or other material from such place or to take such order with such quarry or

place as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

222. Precautions Against Fire :-

(1) The executive authority may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, verandah, pandal or wall partly or entirely composed of cloth, grass, leaves mats, or other highly inflammable materials to remove or alter such tent, booth structure, roof, verandah pandal or wall, or may grant him permission to retain the same on such conditions as the executive authority may think necessary to prevent danger from fire.

(2) The executive authority may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire

(3) Where the executive authority is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may with the sanction of the council by notice require the owner or occupier of the building to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircases as he may direct: and when any building, booth or tent is used for purposes of public entertainment he may require, "subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress that the seating be so arranged as not to interfere with free access to the exits and that gangways, passages, and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.

223. Prohibition Of Construction Of Wells, Tanks, Etc., Without The Permission Of The Executive Authority :-

(1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the executive authority.

(2) The executive authority may grant permission subject to such conditions as he may deem necessary, or may, for reasons to be recorded by him, refuse it.

(3) If any such work is begun or completed without such

permission, the executive authority may either

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the executive authority shall direct, or

(b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

224. Filling In Of Pools, Etc, Which Are A Nuisance :-

(1) If in the opinion of the executive authority

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

(b) any land on which water may at any time accumulate, is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance the executive authority may by notice require the owner or person having control thereof to fill up, cover over, weed and stock with larvicidal fish, petrolize, drain or drain off the same in such manner and with such materials as the executive authority shall direct or take such order with the same for removing or abating the nuisance as the executive authority shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to the executive authority within the time specified for compliance therewith written objection to such requisition, the executive authority shall report such objection to the council, and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the council, but the executive authority may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 339 and, pending the councils disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case, the executive authority shall determine with the approval of the council whether the expenses of any work already done as aforesaid shall be paid by such owner or by the executive authority out of the municipal fund or shall be shared, and, if so, in what proportions.

225. Regulation Or Prohibition Of Certain Kinds Of Cultivation :-

The council on the report of the Director of Public Health, the Health Officer or the Local Medical Officer that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the State Government by public notice regulate or prohibit the cultivation, use of manure or irrigation so reported to be injurious: Provided that when such cultivation or irrigation has been practiced during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

226. Cleansing Of Insanitary Private Tank Or Well Used For Drinking :-

(1) The executive authority may by notice require the owner of person having control over any private water-course, spring tank, well or other place, the water of which is used for drinking, bathing or washing clothes to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the executive authority may think fit.

(2) If the water of any place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the executive authority to be unfit for the purpose, the executive authority may by notice require the owner or person having control thereof to.

(a) refrain from using or permitting the use of such water, or,

(b) close or fill up such place or enclose it with a substantial wall or fence.

227. Duty Of Council In Respect Of Public Well Or Receptable, Of Stagnant Water :-

The municipal council shall maintain in a cleanly conditions all wells, tanks and reservoirs which are not private property, and may fill them up or drain them when it appears necessary to do so.

227A. Public Wells, Etc. Open To All :-

All such wells, tanks and reservoirs when maintained by the municipal council shall be open to use and enjoyment by persons of

whatever caste or creed.

228. Prohibition Against Or Regulation Of Washing Animals Or Clothes Or Washing Or Drinking In Public Water-Courses, Tanks, Etc. :-

The council may, in the interest, of the public health, regulate or prohibit the washing of animals, clothes or other things, or fishing in any public spring, tank, well, public water-course or part thereof within the municipality and may set apart any such place for drinking or for bathing or for washing clothes, or animals, respectively, or for any other specified purpose.

229. Provision Of Public Wash-Houses :-

(1) The council may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as it may determine.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as it may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the council may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

230. Prohibition Against Washing By Washermen At Unauthorized Places :-

(1) The council may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the municipality or outside the municipality within three miles of the boundary thereof, except at-

(a) public wash-houses or places maintained or provided under section 229, or

(b) such other places as it may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hire, at any place within or without municipal limits other than a public wash-house or

a place maintained or appointed under this Act: -

Provided that this section shall apply only to clothes washed within or to be brought within the municipality.

231. Prohibition Against Defiling Water Of Tanks, Etc., Whether Public Or Private :-

It shall not be lawful for any person to-

(a) bathe in or in any manner defile the water in any place set apart by the council or by the owner thereof for drinking purposes; or

(b) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes; or

(c) wash clothes in any place set apart as aforesaid for drinking or bathing; or

(d) wash any animal or any cooking utensil or wool, skins or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for drinking or washing clothes; or

(e) cause or suffer to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes, or cause or suffer anything to be brought there into or do anything whereby the water may be fouled or corrupted.

232. Untenanted Buildings Or Lands :-

If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted, and thereby becomes a resort of idle and disorderly persons or in the opinion of the executive authority becomes a nuisance, the executive authority may after due inquiry give notice and require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

233. Removal Of Filth Or Noxious Vegetation :-

The executive authority may by notice require the owner or occupier of any building or land which appears to him to be in filthy or unwholesome state, or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood, to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in

such manner as may be specified in the notice.

234. Fencing Of Buildings Or Lands And Pruning Of Hedges And Trees :-

The executive authority may by notice require the owner or occupier of any building or land near a public street to-

- (a) fence the same to the satisfaction of the executive authority; or
- (b) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the executive authority may determine; or
- (c) cut and trim any hedges or trees overhanging the said street and obstructing it of the view of traffic or causing it damage; or
- (d) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

235. Limewashing And Cleansing Of Buildings :-

The executive authority if it appears to him necessary for sanitary purposes so to do, may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the notice.

236. Further Powers With Reference To Insanitary Buildings :-

(1) Whenever the executive authority considers-

- (a) that any building or portion thereof is, by reason of its having no plinth, or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is, for any reason, likely to endanger the public health or safety, or
- (b) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings or portions of buildings, to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages

sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the municipal council shall make compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

237. Building Unfit For Human Habitation :-

(1) If any building or portion thereof intended for or used as a dwelling place appears to the executive authority to be unfit for human habitation, he may apply to the council to prohibit further use of such structure for such purpose; and the council may, after giving the owners and occupiers of the structure a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the executive authority shall communicate the purport thereof to the owners and occupiers of the structure and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier of such structure shall use or suffer it to be used for human habitation until the executive authority certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the council withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the executive authority shall report the case to the council, which shall thereupon consider whether the structure should not be demolished. The council shall give the owner not less than thirty days notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the council is of opinion that the

structure has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance of the structure is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision to that effect, with the grounds of the decision, and the executive authority shall in pursuance of the said decision by notice require the owner to demolish the structure.

(5) If the owner undertakes to execute forthwith the works necessary to render the structure fit for human habitation and the executive authority considers that it can be so made fit, the executive authority may postpone the execution of the decision of the council for such time not exceeding six months as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

238. Abatement Of Overcrowding In Dwelling-House Or Dwelling-Place :-

(1) If it appears to the executive authority that any dwelling-house or other building which is used as a dwelling-place, or any room in such a dwelling-house or building, is so over-crowded as to endanger the health of the inmates thereof, he may apply to a Magistrate, to abate such overcrowding; and the Magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner of the building, or room, within a reasonable time not exceeding four weeks to be specified in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The council may, by written order, declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants, or other actual inmates of the same, shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger or other inmate of a building or room to vacate on being required by the owner so to do, in pursuance of any requisition made under sub-section (1)

239. Prohibition Against Feeding Certain Animals On Filth :-

No person shall feed or permit any animal, which is kept for dairy purpose or may be used for food, to be fed on filth.

240. Prohibition Against Keeping Animal So As To Be A Nuisance Or Dangerous :-

No person shall keep any animal on his premises so as to be a nuisance or so as to be dangerous.

241. Power To Destroy Stray Pigs And Dogs :-

(1) The council may, and, if so directed by the District Magistrate, shall, give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

(2) When such notice has been given any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog (as the case may be) found straying within such limits.

242. Power Of Executive Authority To Use Or Sell Materials Of Dangerous Structure Taken Down, Etc., And Procedure When There Is No Owner Or Occupier :-

(1) When the executive authority takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter, the executive authority may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred.

(2) If after reasonable inquiry it appears to the executive authority that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by the sale of such property (not being land) or of any portion thereof.

243. Limitation Of Compensation :-

No person shall be entitled save as provided in sections 224, 225 and 236 to compensation for any damages sustained by reason of any action taken by the municipal authorities in pursuance of their powers under this chapter.

CHAPTER 12 LICENCES AND FEES

244. Government And Market Committees Not To Obtain Licences And Permissions :-

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 any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the State Government or of a market committee established under the Tamil Nadu Commercial Crops Markets Act, 1933, or in respect of any Government property or of any property belonging to such market committee.

245. Licences For Places In Which Animals Are Kept :-

(1) The owner or occupier of any stable, veterinary, infirmary, stand, shed, yard, or other place in which quadrupeds are kept or taken in for purposes of profit shall apply to executive authority for a licence not less than thirty and not more than ninety days before the opening of such place, or the commencement of the year for which the licence is sought to be renewed, as the case may be.

(2) The executive authority may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence;

Provided that this section shall not apply to any such place licenced as a place of public entertainment or resort under the Madras Places of Public Resort Act, 1888.

(3) No person shall without or otherwise than in conformity with a licence use any place for such a purpose.

246. General Powers Of Control Over Stables, Cattle-Sheds And Cow-Houses :-

(1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the executive authority as regards their site, construction, materials and dimensions.

(2) The executive authority may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

247. Power To Direct Discontinuance Of Use Of Buildings As Stable, Cattle-Shed Or Cow-House :-

If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the executive authority may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

248. Omitted :-

249. Purposes For Which Places May Not Be Used Without Licence :-

(1) The council may publish a notification in the district gazette and by beat of drum that no place within municipal limits or at a distance within three miles of such limits shall be used for any one or more of the purposes specified in Schedule V without the licence of the executive authority and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect

(a) until sixty days from the date of publication, and

(b) except with the previous sanction of the State Government in any area outside the municipal limits.

(2) The owner or occupier of every such place shall within thirty days of the publication of such notification apply to the executive authority for a licence for the use of such place for such purpose.

(3) The executive authority may by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) Every such licence shall expire at the end of the year unless for special reasons the executive authority considers it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein

(5) Applications for renewal of such licences shall be made not less than thirty and not more than ninety days before the end of every

year and applications for licences for places to be newly opened shall be made not less than thirty days and not more than ninety days before they are opened.

(6) Where a licence is granted or renewed under this section for the use of any place outside the municipal limits, the municipal council shall pay to the panchayat, if any, having jurisdiction over such place, or if there is no such panchayat to the district board having such jurisdiction, such portion of the fee received for the grant or renewal of the licence as the State Government may, by general or special order, direct.

250. Application To Be Made For Construction, Establishment Or Installation Of Factory, Workshop Or Work-Place In Which Steam Or Other Power Is To Be Employed :-

(1) Every person intending

(a) to construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power, water-power, or other mechanical power or electrical power, or

(b) to install in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid, not being machinery or manufacturing plant exempted by rules shall, before beginning such construction, establishment or installation, make an application in writing to the municipal council for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be employed on any day in the factory, workshop, work-place or premises and shall be accompanied by-

(i) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the State Government, and

(ii) such particulars as to the power, machinery, plant or premises as the municipal council may require by by-laws made in this behalf.

(3) The municipal council shall, as soon as may be after the receipt of the application,

(a) grant the permission applied for, either absolutely or subject to such conditions as it thinks fit to impose, or

(b) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to

cause a nuisance.

(4) Before granting permission under sub-section (3), the municipal council-

(a) shall if more than nine workers are proposed to be employed on any day in the factory, workshop, work-place or premises obtain the approval of the Inspector of Factories appointed under the Indian Factories Act, 1911, having jurisdiction in the area of the municipality, or if there is more than one such inspector, or the inspector designated by the State Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to-

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the State Government: and

(b) shall consult and have due regard to the opinion of the municipal health officer where the municipal council employs such an officer and of the district health officer in other cases, as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) More than nine workers shall not be employed on any day in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment, or unless fresh permission authorizing such employment has been obtained from the municipal council. Before granting such fresh permission, the council shall obtain the approval of the Inspector of Factories referred to in clause (a) of sub-section (4) as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

(6) The grant of permission under this section-

(a) shall, in regard to the replacement of machinery, the levy of fees, the conditions to be observed and the like, be subject to such restrictions and control as may be prescribed; and

(b) shall not be deemed to dispense with the provisions of sections 197 and 199 or sections 208 and 209, as the case may be.

Explanation.- The word "worker" in sub-sections (2), (4) and (5) shall, in relation to any factory, workshop, workplace or premises, have the same meaning as in the Factories Act, 1934.

(7) Save as otherwise specially provided in this Act, if orders on an

application for permission under sub-section (1) are not received by the applicant within sixty days after the receipt of the application by the executive authority, permission shall be deemed to have been granted subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

(8) Nothing contained in clause (a) of sub-section (4) and sub-section (5) shall apply if the approval to the factory, work-shop work-place or premises, referred to therein has already been obtained under the provisions of any law relating to factories for the time being in force.

251. Council May Issue Directions For Abatement Of Nuisance Caused By Steam Or Other Power :-

(1) If, in any factory, workshop, or work-place in which steam-power, water power or other mechanical power or electrical power is used, nuisance is in the opinion of the municipal council caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the municipal council may issue such directions as it thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable the municipal council may-

(a) prohibit the use of the particular kind of fuel employed, or

(b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 9-30 P.M. and 5.30 A.M.

252. Power Of The State Government To Pass Orders Or Give Directions To Municipal Councils :-

The State Government may, either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 250 or section 251.

253. The Executive Authority May Enter Any Factory, Workshop Or Workplace :-

(1) The executive authority or any person authorized by him in this behalf may enter any factory, workshop or work-place-

(a) at any time between sunrise and sunset;

(b) at any time when any industry is being carried on; and

(c) at any time by day or by night, if he has reason to believe that any offence is being committed under section 250 or section 251.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of effecting an entrance under this section.

254. Provision Of Municipal Slaughter - Houses :-

(1) The municipal council shall provide a sufficient number of places for use as municipal slaughter-houses and may charge rents and fees for their use at such rates as it may think fit.

(2) The council may-

(a) Place the collection of such rents and fees under the management of such persons as may appear to it proper; or

(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) Municipal slaughter-house may be situated within, or with the sanction of the State Government, without the municipality.

255. Licence For Slaughter-Houses :-

(1) The owner of any place within municipal limits or at a distance within three miles of such limits which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of any carcasses, shall apply to the executive authority for a licence not less than thirty and not more than ninety days of the opening of such place as a slaughter-house or the commencement of the licence is sought to be renewed, as the case may be:

Provided that this sub-section shall not take effect in any area outside the municipal limits except with the previous sanction of the State Government.

(2) The executive authority may, by an order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

256. Slaughter Of Animals During Festivals And Ceremonies :-

The executive authority may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

257. Slaughter Of Animals For Sale As Food :-

No person shall slaughter within the municipality, except in a public or licensed slaughter-house, any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the executive authority or dry or permit to be dried any skin in such a manner as to cause a nuisance:

Provided that the executive authority may authorize any person to slaughter, without licence and without the payment of any fee, any animal for the purpose of a religious ceremony.

258. Regulation Of Milk Trade :-

(1) No person shall without or otherwise than in conformity with a licence from the executive authority-

(a) carry on within the municipality the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce;

(b) use any place in the municipality for the sale of milk or dairy-produce;

Provided that no such licence shall be given to any person who is suffering from a dangerous disease.

(2) Such licence may be refused or may be granted on such conditions as the executive authority may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the animals, from which the milk-supply is derived are kept.

259. Public Markets :-

All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets; and such markets shall be open to persons of whatever caste or creed.

260. Powers In Respect Of Public Markets :-

(1) The Council may provide places for use as public markets.

(2) The council may in any public market levy any one or more of the following fees at such rates and may place the collection of such fees under the management of such persons as may appear to it proper or may farm out such fees for any period not exceeding

three years at a time and on such terms and subject to such conditions as it may deem fit:-

- (a) fees for the use of or, for the right to expose goods for sale in, such markets;
 - (b) fees for the use of shops, stalls, pens or stands in such markets;
 - (c) fees on vehicles or pack-animals carrying, or on persons bringing, goods for sale in such markets;
 - (d) fees on animals brought for sale into, or sold in, such markets; and
 - (e) licence fees on brokers, commission agents, weighmen and measures practising their calling in such markets
- (3) The council may, with the sanction of the State Government, close any public market or part thereof.

261. Control Of The Executive Authority Over Public Markets :-

- (1) No person shall, without the permission of the executive authority, or if the fees have been formed out, of the farmer, sell or expose for sale any animal or article within any public market.
- (2) The executive authority may expel from any public market any person who or whose servant has been convicted of disobeying any by-laws at the time in force in such market and may prevent such person from further carrying on by himself or his servants, or agents, any trade or business in such market, or occupying any shop, stall or other place therein and may determine any lease or tenure which such person may possess in any such shop, stall or place.

262. Licence For Private Market :-

- (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the council a licence to do so.
- (2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days and not more than ninety days before such place is opened as a market, or the commencement of the year for which the licence is sought to be viewed, as the case may be.
- (3) The council shall, as regards private markets already lawfully established and may, at its discretion as regards new private markets, grant the licence applied for subject to such regulations as

to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market as the council may think proper; or the council may refuse to grant any such licence for any new private market. The council may, however, at any time, for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The council may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended cancelled or modified under this section, the council shall cause a notice of such grant, refusal, suspension, cancellation or modification in English and in a regional language of the district to be pasted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) Every licence granted under this section shall expire at the end of the year.

262A. Fee For Licence :-

When a licence granted under section 262 permits the levy of any fees of the nature specified in sub-section (2) of section 260, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year shall be charged by the municipal council for such licence.

263. Sale In Unlicensed Private Markets :-

It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

264. Powers Of Council In Respect Of Private Markets :-

The council may by notice require the owner, occupier, or farmer of any private market to-

(a) construct approachers, entrances, passages, gates, drains and cess-pits for such markets and provide it with latrines of such description and in such position and number as the council may think fit;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the council secure imperviousness and ready cleansing;

(c) ventilate it properly and provide it with a supply of water;

- (d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the council may direct; and
- (e) keep it in a cleanly and proper state and remove all filth and refuse therefrom.

265. Suspension Or Refusal Of Licence In Default :-

- (1) If any person after notice given to him in that behalf by the council fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 264, the council may suspend the licence of the said person, or may refuse to grant him a licence, unless such works have been completed.
- (2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

266. Prohibition Against Nuisances In Private Markets :-

No owner, occupier, agent or manager in charge of any private market, or of any shop, stall, shed or other place therein shall keep the same so that it is a nuisance or fail to cause anything that is a nuisance to be at once removed to a place to be specified by the council.

267. Power To Close Private Markets :-

The council or any officer duly authorized by it in that behalf may close any private market in respect of which no licence has been applied for or the licence for which has been refused, withheld or suspended or which is held or kept contrary to the provisions of this Act.

267A. Acquisition Of Rights Of Private Persons To Hold Private Markets :-

- (1) A municipal council may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.
- (2) On payment by the municipal council of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the municipal council.

268. Duty Of Expelling Lepers, Etc., From Markets And Power To Expel Disturbers :-

The person incharge of a market shall prevent the entry therein or expel therefrom any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

269. Butchers, Fishmongers And Poulterers Licence :-

(1) No person shall without or otherwise than in conformity with a licence from the executive authority carry on the trade of a butcher, fishmonger or poulterer, or use any place for the sale of flesh or fish intended for human food in any place within municipal limits or at a distance within three miles of such limits:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles:

Provided further that no licence shall be required for any place included in a public market as defined in section 167 of the Tamil Nadu Local Board Act, 1920.

(2) The executive authority may, by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year in which it is granted unless for special reasons the executive authority considers it should expire at an earlier date when it shall expire at such earlier date as may be specified therein.

270. Power To Prohibit Or Regulate Sale Of Articles In Public Streets :-

The executive authority may, with the sanction of the council, prohibit by public notice or licence, or regulate the sale or exposure for sale, of any animals or articles in or on any public street or part thereof.

270A. Decision Of Disputes As To Whether Places Are Markets :-

If any question arises whether any place where persons assemble

for the sale or purchase of articles of food or clothing of livestock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products is a market or not the municipal council shall make a reference to the State Government and the decision of the State Government on the question shall be final.

270B. Provision Of Public Cart-Stands, Etc. :-

(1) The municipal council may construct or provide and maintain public landing places, halting places and cart-stands and may levy fees for the use of the same.

(1-A) The council may-

(a) place the collections of any such fees under the management of such persons as may appear to it proper; or

(b) farm out the collection of any such fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(1-B) Any agreement entered into by a municipal council, farming out the collection of such fees for a period, not exceeding three years, commencing on or after the 1st April, 1941, shall be valid, notwithstanding that such agreement was entered into before the commencement of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1941.

(2) A statement in English and a vernacular language of the district of the fees fixed by the council for the use of such place shall be put up in a conspicuous part thereof.

Explanation.- A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914 and animals.

270C. Prohibition Of Use Of Public Place Or Sides Of Public Street As Cart-Stand, Etc. :-

Where a municipal council has provided a public landing place, halting place or cart-stand, the executive authority may prohibit the use for the same purpose by any person within such distance thereof, as may be determined by the municipal council, of any public place or the sides of any public street.

270D. Recovery Of Cart-Stand Fees, Etc. :-

(1) If the fee leviable under sub-section (1) of section 270-B in respect of a vehicle or animal is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of this value being insufficient to defray the amount due he may seize and detain the vehicle or animal.

(2) All property seized under sub-section (I) shall be sent within twenty-four hours to the executive authority or to such person as he may have authorized to receive and sell such property and the executive authority shall forthwith give notice to the proprietor of the property seized, or if the proprietor is not known or is not resident within the municipality or the person cannot be found, publish by beat of drum, that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold by auction at a place to be specified in the notice.

(3) If, at any time before the sale has begun, the amount due on account of the fee, together with a sum of four annas on account of charges incurred in connection with the seizure and detention, is tendered to the executive authority or other person authorized as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of-

- (i) the amount due on account of the fee;
- (ii) such penalty not exceeding the amount of the fee as the executive authority may direct; and
- (iii) a sum of eight annas on account of charges incurred in connection with the seizure, detention and sale.

270E. Licence For Private Cart-Stand :-

(1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the council a licence to do so.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty and not more than ninety days of such place as cart-stand, or the commencement of the year for which the licence is sought to be renewed as the case may be.

(3) The council shall as regards private cart-stands already lawfully

established and may, at its discretion, as regards new private cart-stands grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to conservancy as the council may think proper; or the council may refuse to grant any such licence for any new private cart-stand. The council may, however, at any time for breach of the conditions thereof suspend or cancel any licence which has been granted under this section. The council may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section the council shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and a vernacular language of the district to be pasted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The council may levy for every licence granted under this section a fee not exceeding three hundred rupees per annum.

(6) Every licence granted under this section shall expire at the end of the year.

271. Duty Of Executive Authority To Inspect :-

It shall be the duty of the executive authority to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or preparation for sale.

272. Powers Of Executive Authority For Purposes Of Inspection :-

The executive authority or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such articles.

(2) If the executive authority or any person so authorized by him has reason to believe that in any place any animals intended for

human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provisions of laws, by-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against an executive authority or any person acting under his authority or the council for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

273. Preventing Inspection By Executive Authority :-

No person shall in any manner whatsoever prevent the executive authority or person duly authorised by him exercising his powers under the last preceding section.

274. Power Of Executive Authority To Seize Diseased Animals, Noxious Food, Etc. :-

If any animal, poultry or fish intended for food appears to the executive authority or to a person duly authorized by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or continuing such article appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure such animals, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

Explanation.- Meat subject to the process of blowing shall be deemed to be noxious.

275. Removing Or Interfering With Articles Seized :-

No person shall remove or in any way interfere with an animal or article secured under the last preceding section.

276. Power To Destroy Article Seized :-

(1) When any animal or article of food is seized under section 274 it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

(2) Any expense incurred in destroying any animal or article under sub-section (1) shall be paid by the owner or person in whose possession it was at the time of its seizure.

277. Production Of Articles, Etc. Seized Before Magistrate And Powers Of Magistrate To Deal With Them :-

(1) Articles of food, animals, poultry, fish, utensils, vessels, etc., seized under section 274 and not destroyed under section 276 shall as soon as possible be produced before a magistrate.

(2) Whether or not complaint is laid before a magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of kind or in such state as is described in section 274 he may order the same-

(a) to be forfeited to the council;

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

278. Registration Or Closing Of Ownerless Places For Disposal Of Dead :-

(1) Every owner or person having the control of any place used at the date of the coming into operation of this Act, as a place for burying, burning, or otherwise disposing of the dead shall, if such place be not already registered, apply to the council to have such place registered.

(2) If it appears to the council that there is no owner or person having the control of such place it shall assume such control and register such place, or may, with the sanction of the State Government, close it.

279. Licensing Of Places For Disposal Of Dead :-

(1) 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 council on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the council may require.

(3) The council may-

(a) grant or refuse a licence, or

(b) postpone the grant of a licence until objections to the site have been removed or any particulars called for by it have been furnished.

280. Provision Of Burial And Burning Grounds And Crematoria Within Or Without Municipality :-

(1) The council may, and shall if no sufficient provision exists provide at the cost of the municipal fund places to be used as burial or burning grounds or crematoria, either within or without the limits of the municipality, and may charge rents and fees for the use thereof.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) If the council provides any such place without the limits of the municipality, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the municipality shall apply to such place.

281. Register Of Registered, Licensed And Provided Places And Prohibition Of Use Of Other Places :-

(1) A book shall be kept at the municipal office in which the places registered, licensed or provided under sections 278, 279 or 280 and all such places registered, licensed or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the

entrance to the burial or burning ground or other place as aforesaid.

(3) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided, as aforesaid

282. Report Of Burials And Burnings :-

The person having control of a place for disposing of the dead shall give information of every burning or other disposal of a corpse at such place to any person appointed by the executive authority in that behalf.

283. Prohibition Against Use Of Burial And Burning Grounds Dangerous To Health Or Overcrowded With Graves :-

(1) If the council is satisfied-

(a) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be, or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or

(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place, it may with the previous sanction of the State Government, give notice that it shall not be lawful after a period to be named in such notice to bury, burn or otherwise dispose of any corpse of such place.

(2) Every notice given under sub-section (1) shall be published in the district gazette and by beat of drum.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place.

284. Prohibitions In Respect Of Corpses-No Person Shall :-

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug, or constructed, of masonry or otherwise, in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground; or.

(b) build or dig or cause to be built or dug any grave in any burial

ground at a less distance than two feet from the margin of any other existing grave, or

(c) without the sanction in writing of the executive authority, or an order in writing of a magistrate, reopen a grave already occupied; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground, and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothes to remain without being completely reduced to ashes; or

(f) carry through any street a corpse or part thereof not decently covered; or

(g) while carrying a corpse or part thereof within the municipality leave the same in or near any street for any purpose whatever; or

(h) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.

285. Grave-Diggers Licence :-

No person shall discharge the office of grave-digger or other attendant, at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the executive authority. Such licence may be withdrawn or cancelled at the discretion of the council.

285A. Definition :-

In this Chapter, "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, wall or structure, visible to public wholly or partly.

285B. Prohibition For Erection Of Hoardings :-

(1) No hoarding shall be erected at any place, on or after the 23rd day of July, 1998 (hereafter in this section referred to as the said date), by any person without obtaining a licence from the District Collector.

(2) Every person who has erected any hoarding without obtaining a licence and which is in existence immediately before the said date, shall apply for a licence in accordance with the provisions of this

Chapter within thirty days from the said date.

285C. Application For Licence :-

(1) Every application for licence under this Chapter shall be made to the District Collector in such form, containing such particulars and with such fee, as may be prescribed.

(2) The District Collector may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The District Collector 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.

(4) Every licence granted under sub-section (2) shall be valid for such period as may be prescribed and may be renewed from time to time.

(5) The fee paid under sub-section (1) shall be credited to the State Government account in such manner as may be prescribed.

285CC. Tax On Advertisement On Hoardings :-

(1) Notwithstanding anything contained in this Act, every person, who is granted licence under section 285-C shall pay, on every advertisement on hoardings, a tax calculated at such rates as may be prescribed, having regard to the location, size, reach and nature of the advertisement but subject to the maxima and minima specified in the Table below:-

THE TABLE

Location and Nature	Rates of tax per square metre per half year (Rupees)	
(1)	(2)	
Municipalities	Minimum	Maximum
1. Hoardings in arterial road with bus route-		
(a) without lighting	75	300
(b) with ordinary lighting	90	400
(c) with neon or mercury lighting	100	500
2. Hoardings in main road with bus route-		
(a) without lighting	60	200
(b) with ordinary lighting	70	300
(c) with neon or mercury lighting	80	400

3. Hoardings in other road or street-		
(a) without lighting	50	100
(b) with ordinary lighting	60	200
(c) with neon or mercury lighting	70	250
Town Panchayats		
1. Hoardings in arterial road with bus route-		
(a) without lighting	60	180
(b) with ordinary lighting	80	360
(c) with neon or mercury lighting	90	450
2. Hoardings in main road with bus route-		
(a) without lighting	40	120
(b) with ordinary lighting	60	240
(c) with neon or mercury lighting	70	300
3. Hoardings in other road or street-		
(a) without lighting	20	60
(b) with ordinary lighting	30	120
(c) with neon or mercury lighting	60	150

(2) Seventy-five per cent of the tax paid by every person, under sub-section (1) shall be credited to the State Government account and the balance of twenty-five percent shall be credited to the concerned Municipality or Town Panchayat account within whose jurisdiction such tax has been collected in such manner as may be prescribed.

285D. Power To Cancel Or Suspend Licence :-

(1) Without prejudice to any other penalty to which the licensee may be liable under this Chapter, the District Collector may, at any time, by order in writing, cancel or suspend any licence granted or renewed under Section 285-C, if

(a) such licence has been obtained by fraud, misrepresentation or suppression of material particulars; or

(b) the licensee has contravened any of the provisions of this Chapter or the rules made thereunder or any of the conditions subject to which the licence was granted.

(2) Before cancelling or suspending a licence under sub-section (1), the District Collector shall give the licensee, an opportunity of making his representation.

285E. Removal Of Unauthorised Hoardings :-

Any hoarding erected without a licence shall be confiscated and removed by the District Collector without giving any notice.

285F. Removal Of Hoarding In Certain Other Cases :-

(1) Where any hoarding is retained after the expiry of the licence or erected contrary to the conditions of licence, District Collector may by notice in writing, require the licensee to remove such hoarding within such time as may be prescribed.

(2) Where the hoarding is not removed within the time specified in the notice, the District Collector shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

285G. Exemptions :-

Nothing contained in this Chapter shall apply to any hoarding on which is exhibited any advertisement which relates to,

(i) the trade or business carried on within the land or building, upon or over, which such hoarding is erected or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting, to be held upon or in such land or building; or

(ii) the name of the land or building, upon or over which the hoarding is erected or to the name of the owner or occupier of such land or building.

Provided that the exemption under this section shall be subject to such size and nature of the hoarding as may be prescribed.

285H. Appeal :-

(1) An appeal shall lie to the State Government from an order of refusal to grant or renew a licence or cancelling or suspending a licence by the District Collector under this Chapter within thirty days from the date of receipt of the order.

(2) The appeal shall be in such form and in such manner and shall accompany with such fee, as may be prescribed.

(3) On receipt of such appeal, the State Government may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it deemed fit.

285I. Penalty :-

Whoever contravenes any of the provisions of this Chapter or any rule or order made thereunder or obstructs lawful exercise of any

power conferred by or under this Chapter 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."

285J. Prohibition Of Erection Of Certain Hoardings :-

Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgment, decree or order of any court, tribunal or other authority:

(a) (i) where any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement, so as to adversely affect free and safe flow of traffic and which is in existence immediately before the date of the commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2000 (hereinafter in this section referred to as the amendment Act), the District Collector shall, by notice in writing, require the licensee or any person in possession, of such hoarding, to remove such hoarding within such time as may be specified in the notice.

Provided that such time shall not exceed fifteen days from the date of issue of such notice;

(ii) where the hoarding referred to in sub-clause (i) is not removed within the time specified in the notice, the District Collector shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue;

(b) (i) where the District Collector is satisfied that the erection of any hoarding (other than traffic sign and road sign) visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant any licence under Sec.285-C and no such hoarding shall be erected, on and from the date of the commencement of the amendment Act by any person;

(ii) Where any hoarding is erected in contravention of sub-clause (i), it shall be confiscated and removed by the District Collector without any notice.

286. Compulsory Registration Of Vital Statistics :-

(1) The municipal council shall register all births and deaths occurring in the municipality.

(3) Information of births and deaths shall be given and their

registration shall be made and enforced in the prescribed manner.

287. Definition Of Dangerous Disease :-

"Dangerous disease" means a disease specified in Schedule VI.

288. Obligation Of Medical Practitioner Or Owner Or Occupier Of House To Report Dangerous Disease :-

(1) If any medical practitioner becomes cognizant of the exercise of any dangerous disease in any private or public dwelling not being a public hospital in the municipality, he shall inform the executive authority with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the executive authority may require. The executive authority may pay a fee not exceeding one rupee for each intimation by a private medical practitioner of a case occurring in his practice.

(3) This section shall apply to a hakeem or a vaidyan.

(4) With the previous approval in all cases of the Collector of the District the executive authority may direct the compulsory notification by the owner or occupier of every house within the municipal limits during such period and to such officer as the executive authority may prescribe of all deaths from or occurrence of dangerous diseases in his house.

289. Power Of Entry Into Suspected Places :-

(1) The executive authority or health officer may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

290. Disinfection Of Buildings And Articles :-

(1) If the executive authority or health officer is of opinion that the cleansing or disinfecting of any premises or part thereof or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the occupier to cleanse or disinfect the same in the manner and within the time specified in such notice.

(2) If the executive authority or health officer considers that

immediate action is necessary, or that the occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the executive authority or health officer may himself, without notice, cause such premises or article to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the executive authority or health officer shall be recoverable from the said occupier in cases in which he is, in the opinion of the executive authority or health officer, not unable by reason of poverty effectually to comply with such requisition.

291. Provision Of Places For Disinfection And Power To Destroy Infected Articles :-

(1) The executive authority shall from time to time notify places at which conveyances, clothing, bedding, or other articles, which have been exposed to infection from any dangerous disease shall be washed or disinfected.

(2) The executive authority may direct any clothing, bedding or other articles likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this sub-section.

(3) No person shall wash such clothing or bedding or other articles in any place other than those set apart for such purposes under sub-section (1).

292. Prohibition Against Transfer Of Infected Articles :-

No person shall, without previously disinfecting it, give, lend, let, hire sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

293. Power Of Council To Prohibit Use Of Water Likely To Spread Infection :-

(1) If the chief medical officer of the district, the health officer or the local medical officer certifies that the water in any well, tank or other place within the limits of the municipality is likely, if used for drinking, to endanger or cause the spread of any dangerous

disease, the council may, by public notice, prohibit the removal or use of such water for drinking and domestic purpose during a specified period.

294. Executive Authority May Order Removal Of Patients To Hospital :-

When a hospital or other place for the reception of persons suffering from dangerous diseases is provided by the municipal council the executive authority may, on a certificate signed by a medical practitioner registered under the Tamil Nadu Medical Registration Act, 1914, arrange for, or direct the removal to such hospital or place if any person suffering from dangerous disease who is, in the opinion of such medical practitioner, without proper lodging or accommodation, or without medical supervision directed to prevent the spread of the disease, or who is in a place occupied by more than one family.

295. Prohibition Against Infected Person Carrying On Occupation :-

If any person knows or has been certified by the health officer, the local medical officer, or a registered medical practitioner that he is suffering from a dangerous disease he shall not engage in any occupation, or carry on any trade or business unless he can do so without risk of spreading the disease.

296. Prohibition Against Diseased Person Entering Public Conveyance :-

(1) No person who is suffering from any dangerous disease shall, without taking proper precautions against spreading such disease, cause or suffer himself to be conveyed in a public conveyance.

(2) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(3) No owner, driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-section (1)

(4) No owner or-driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid unless

and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance, anything in any Act relating to public conveyances for the time being in force to the contrary notwithstanding.

(5) A Court convicting any person of contravening sub-section (1) or sub-section (2) may levy, in addition to the penalty for the offence provided in this Act, an additional fine of such amount as the Court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount of any additional fine so imposed shall be awarded by the Court to the owner or driver of the conveyance:

Provided that if such additional fine is imposed in a case which is subject to appeal the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed: or if an appeal is presented, before the decision of the appeal.

(6) At the time of awarding compensation in any subsequent civil suit relating to the same matter the Court shall take into account any sum which the plaintiff shall have received under this section.

297. Letting Of Infected Buildings :-

(1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from any dangerous disease without having the same and all articles therein liable to retain infection disinfected to the satisfaction of the executive authority.

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same or part of the same to any person accommodated therein.

298. Power To Order Closure Of Places Of Public Entertainment :-

In the event of the prevalence of any dangerous disease within the municipality, the council may by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as it may fix.

299. Minor Suffering From Dangerous Disease Not To Attend School :-

No person being the parent or having the care of charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer or the local medical officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer, the local medical officer or a registered medical practitioner a certificate that in his opinion such minor may attend without undue risk of communicating such disease to others.

No fee shall be charged by the health officer or the local medical officer for the grant of a certificate under this section.

300. Compulsory Vaccination :-

(1) Vaccination shall be compulsory in every municipality in respect of such persons and to such extent as may be prescribed.

(2) The procedure prescribed in such rules for enforcing vaccination shall be observed.

301. Obligation To Give Information Of Smallpox :-

Where an inmate of any dwelling place is suffering from smallpox the head of the family to which the inmate belongs and in his default, the occupier or person in charge of such place shall inform the executive authority with the least practicable delay.

302. Prohibition Of Inoculation For Smallpox :-

(1) Inoculation for smallpox is thereby prohibited.

(2) No person who has undergone the operation of inoculation shall enter any municipality before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the council may authorize to grant such certificates, stating that such person is no longer likely to produce smallpox by contact or near approach.

303. Power Of State Government To Make Rules :-

(1) The State Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power they may make rules.

(a) with reference to all matters expressly required or allowed by this Act to be prescribed;

(b) Omitted

(c) Omitted

(d) as to the conditions on which property may be acquired by the municipal council or on which property vested in or belonging to the municipal council may be transferred by sale, mortgage, lease, exchange or otherwise;

(e) as to the working of provident funds;

(f) as to the matters mentioned in rule 37 of the Taxation and Finance Rules in Schedule IV; as to the conditions on which grants-in-aid shall be paid from the municipal fund for purposes of education and medical relief and as to the conditions on which grants and loans may be made to co-operative building societies.

(g) as to the intermediate offices, if any, through which correspondence between the municipal authorities and the State Government or officers of that Government shall pass;

(h) as to preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the municipal council and the power of the municipal authorities or officers of the State Government to accord professional or administrative sanction estimates;

(i) as to the accounts to be kept by the municipal council, the manner in which such accounts shall be audited and published and as to the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered or omitted therein;

(j) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by municipal councils;

(k) as to the mode in which the officers of the State Government shall; advise and assist municipal councils in carrying out the purposes of this Act;

(l) as to the interpellation of the chairman by the members of the council;

(m) as to the moving of resolutions at the meetings of the council;

(n) for regulating the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax on carriages and animals, tax on carts, and other taxes or income, levied or obtained under this or any other Act;

(o) Omitted

(p) as to the form of registers and returns of births and deaths and the manner in which the registers shall be maintained, the dates on which returns shall be made and the officer to whom returns shall be sent;

- (q) as to the transfer of allotments entered in the sanctioned budget of a municipal council from one head to another;
 - (r) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence; and
 - (s) for determining the cost of buildings and lands.
- (3) In making any rules the State Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

304. Rules And Notifications To Be Placed Before The Legislature :-

- (1) (a) All rules made under sub-section (2) of section 77-A or under section 303 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 day on which they are so published.
- (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.
- (2) Every rule made under sub-section (2) of section 77-A or under section 103 and every notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the State Legislature, and if before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification 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 amendment shall be without prejudice to the validity of anything previously done under that rule or notification.

305. Power Of State Government To Alter Schedules :-

- (1) The State Government may make rules whether prospectively or retrospectively altering, adding to or cancelling any of the following Schedules to this Act, namely- Schedules II, III, IV, V and VI.
- (2) The State Government may by notification under sub-section

(1) of section 12-C include any municipality in Schedule X but shall not remove therefrom any municipality so included.

(3) All references made in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (1) or sub-section (2), as the case may be.

305A. Procedure For The Making Of Rules Under Section 305 :-

A draft of the rules proposed to be made under sub-section (1) of section 305 shall be laid before each of the Houses of the State Legislature and the rules shall not be made unless both Houses approve the draft either without modification or addition or with modifications or additions to which both the Houses agree; but upon such approval being given, the rules may be made in the form in which they have been approved and such rules on being so made shall be notified in the Official Gazette and shall thereafter be of full force and effect.

306. Power Of Council To Make By-Laws :-

The council may make by-laws, not inconsistent with this Act or with any other law to provide-

(1) for all matters expressly required or allowed by this Act to be provided for by by-laws;

(1-A) for the due performance by all municipal officers and servants of the duties assigned to them;

(2) for the regulation of the time and mode of collecting the taxes and duties under this Act;

(2-A) for determining the conditions under which lands shall be deemed to be appurtenant to buildings;

(3) (a) for the use of public tanks, wells, conduits and other places or works for water-supply;

(b) for the regulation of public bathing, washing and the like;

(c) for the maintenance and protection of the water-supply system, and the protection of the water-supply from contamination.

(d) for the conditions on which house-connections with the councils water-supply mains may be made; for their alteration and repair and for their being kept in proper order;

(e) for supply of water for domestic consumption and use;

(f) for the prevention of waste of water;

(g) for the measurement of water;

(h) for the compulsory provision of cisterns and meters; (i) for the

supply of water in case of fire;

(4) for the maintenance and protection of the lighting system;

(5) (a) for the maintenance and protection of the drainage system;

(b) for the construction of house drains, and for regulating their situation, mode of construction and materials;

(c) for the alteration and repair of house drains;

(d) for the cleansing of house drains;

(e) for the construction of cess-pools, septic tanks, filters and drains;

(f) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;

(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;

(7) (a) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the breaking up of ground or of buildings for the purpose of such testing;

(b) for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;

(8) (a) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(b) for the protection of avenues, trees, grass and other appurtenances of public streets and other place;

(9) for the regulation of the use of parks, gardens and other public or municipal places but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic;

(10) (a) for the regulation of building;

(b) for determining the information and plans to be submitted with applications to build;

(c) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;

(11) for the regulation of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee-houses, and any premises to which the Public are admitted for repose for the consumption of any food or drink;

(12) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains;

- (13) for the sanitary control and supervision of places used for any of the purposes specified in Schedule V and of any trade or manufacture carried on therein;
- (14) (a) for the control and supervision of slaughterhouses and of places used for skinning and cutting up carcasses;
- (b) for the control and supervision of the methods of slaughtering;
- (c) for the control and supervision of butchers carrying on business in the municipality or at any slaughter-houses without the municipality provided by the municipal council or licensed by the executive authority; as the case may be.
- (15) for the inspection of milch cattle, and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy man or milk seller;
- (16) for enforcing the cleanliness of milk stores and milk shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade;
- (17) for requiring notice to be given whenever any milch animals is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch cattle and milk against infection and contamination;
- (18) (a) for the inspection of public and private markets and shops other places therein;
- (b) for the regulation of their use and the control of their sanitary condition.
- (c) for licensing and controlling brokers, commission agents, weighmen and measures practising their calling in markets;
- (19) for prescribing the method of sale of articles whether by measure, weight, or piece;
- (20) for prescribing and providing standard weights, scales and measures and preventing the use of any others;
- (21) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;
- (22) (a) for the regulation of burial and burning grounds and other places for the disposal of corpses;
- (b) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the council;
- (c) for the verification of deaths and the causes of death;
- (d) for the period for which corpses must be kept for inspection.

(e) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places;

(23) for the registration of births, deaths and marriages;

(23-A) for the training and licensing of dhais and midwives;

(24) for the enumeration of the inhabitants of the city;

(25) for the prevention of dangerous diseases of men and animals;

(26) for the enforcement of compulsory vaccination;

(27) for the prevention of outbreaks of fire;

(28) for the prohibition and regulation of advertisements in public streets or parks;

(29) in general for securing cleanliness, safety and order and the good Government and well-being of the municipality and for carrying out all the purposes of this Act.

307. Power To Give Retrospective Effect To Certain By-Laws

:-

By-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or this Act.

308. Penalty For Breaches Of By-Laws :-

In making a by-law, the municipal council may subject to the provisions of clause (1) of Article 20 of the Constitution, provide that a breach thereof shall be punishable-

(a) with fine which may extend to fifty rupees and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the executive authority to discontinue such breach.

309. Conditions Precedent To Making By-Laws :-

The municipal council, shall, before making or altering by-laws, publish a draft of the proposed by-laws and alterations together with a notice specifying a date at or after which such draft will be

taken into consideration, and shall, before making the by-laws or alterations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

310. Confirmation Of By-Laws By State Government :-

(1) No by-laws or cancellation or alteration of a by-law shall have effect until the same shall have been approved and confirmed by the State Government.

(2) Any by-law or cancellation or alteration of a by-law when it shall have been duly confirmed shall be published in the district gazette in English and shall come into operation three months after it has been so published.

311. Copies Of Act, Rules And By-Laws, To Be Sold At Municipal Office :-

Complete copies in English and in a vernacular language of the district--

(a) of this Act,

(b) of all rules framed by the State Government under clause (b) of sub-section (2) of section 303, and

(c) of all by-laws in force for the time being shall be kept at the municipal office and shall be sold to the public at cost price.

312. Publication Of Regulations :-

Regulations made by the municipal authorities under this Act shall be published in such manner as the council may determine.

313. General Provisions Regarding Penalties Specified In The Schedule :-

(1) Whoever-

(a) contravenes any provision of any of the sections or rules specified in the first column of Schedule VII, or

(b) contravenes any rule or order made under any of the specified sections or rules, or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules, shall on conviction be punished with fine which may extend to the amount mentioned in the behalf in the fourth column of the said schedule.

(2) Whoever after having been convicted of-

(a) contravening any provision of the section or rules specified in the first column of Schedule VIII, or

(b) contravenes any rule or order made under any of the specified sections or rules,

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

Explanation.- The entries in the third column of Schedules VII and VIII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections or clauses mentioned in the first and second columns or even as abstracts of those sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, sub-sections or clauses as the case may be.

314. Penalty For Acting As Councillor, Chairman Or Vice-Chairman When Disqualified :-

(1) Whoever acts as a member of a municipal council knowing that under this Act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as or exercises the functions of the chairman or vice-chairman of a municipal council knowing that under this Act or the Rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the chairman or vice-chairman of a municipal council fails to hand over any documents of, or any moneys or other properties vested in, or belonging to, the municipal council which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as chairman or vice-chairman expires and in the case of the vice-chairman also on demand by the chairman, such chairman or

vice-chairman shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

314A. Penalty For Failure To Obtain Permission Of State Government For Foreign Trip :-

Whoever undertakes a trip to any foreign country in violation of section 12-BB shall be punished with fine which may extend to one thousand rupees.

315. Penalty For Acquisition By Municipal Officer Of Interest In Contract Or Work :-

If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any personal share or interest in any contract or employment with, by, or on behalf of the municipal council he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the council, unless he is a director of such company:

Provided further that nothing in this section shall apply to a teacher employed by a municipal council who, with the sanction of the State Government, enters into a contract with the municipal council with regard to the utilization for the purpose of a school of any land or building owned by him or in which he has a share or interest.

316. Penalty For Omission To Take Out Licence For Vehicle Or Animals :-

(1) Every owner or person in charge of any vehicle or animal liable to tax under section 98 who omits to obtain a licence shall on conviction be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 101, fails to pay such sum, and the amount due for a licence shall

in such case be taken as the amount so compounded for.

317. Penalty For Unlawful Building :-

If the construction or re-construction of any building or well-

(a) is commenced without permission of the executive authority, or
(b) is carried on or complete otherwise than in accordance with the particulars on which such permission was based, or
(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made hereunder or of any direction or requisition lawfully given or made, or if any alterations or additions required by any notice issued under section 205 or section 215 are not duly made, or if any person to whom a direction is given by the executive authority to alter or demolish a building or well under section 216 fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a building to five hundred rupees and in the case of a well or hut to fifty rupees, and to a further fine which may extend in the case of a building to one hundred rupees, and in the case of a well or hut to ten rupees, for each day during which the offence is proved to have continued after the first day.

318. Notice To Scavengers Before Discharge :-

(1) In the absence of a written contract to the contrary, every scavenger employed by the municipal council shall be entitled to one months notice before discharge or to one months wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Penalty for withdrawal of scavengers without notice.- Should any scavenger employed by the council, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one months notice to the council, or neglect or refuse to perform his duties, or any of them he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend of two months.

(3) Application of sub-sections (1) and (2) to other municipal servants.- The State Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply

also to any specified class of municipal servants whose functions intimately concern the public health or safety.

319. Wrongful Restraint Of Executive Authority And His Delegate :-

Every person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering into or on any land or building, from exercising his lawful power of entering thereinto or thereon shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

320. Penalty For Not Giving Or Giving False Information :-

If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information such person shall be liable to a fine not exceeding Rs.100.

321. General Provisions Regarding Licence And Permissions :-

(1) Every licence and permission granted under this Act or any rule or by-law made under this Act shall specify the period, if any, for which the restrictions, limitations and conditions, subject to which the same is granted, and shall be signed by the executive authority.

(2) Save as otherwise expressly provided in or may be prescribed under this Act, or every such licence or permission, fees may be charged on such rates and at such rates as may be fixed by the municipal council

(3) The council may

(a) place the collection of such fees under the management of such persons as may appear to it proper; or

(b) farm out such collection for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3-A) Every order of municipal authority granting or refusing a licence or permission shall be published on the notice board of the municipal council.

- (4) Every order of a municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.
- (5) Subject to the special provisions in Chapters X and XII regarding buildings and private markets, and subject to such sanction as may be required for the refusal of a licence or permission, any licence or permission granted under this Act or any rule or by-law made under it may at anytime be suspended or revoked by the executive authority if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act or of any rule, by-law or regulation made under it any licence or permission granted under this Act or any rule or by-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation of fraud.
- (6) It shall be the duty of the executive authority to inspect places in respect to which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without notice enter such place for satisfying himself whether any provision of said rule by-laws or regulations any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section, by the executive authority or any person to whom he has lawfully delegated his powers, or by any force necessary for effecting an entrance under this sub-section.
- (7) When any licence or permission is suspended or revoked, or when the period for which it was granted, or within which application for renewal should be made has expired, whichever expires later the grantee shall, for all purposes, of this Act or any rule or by-law made under this Act be deemed to be without a licence or permission until the order suspending or revoking the licence or permission is cancelled or, subject to sub-section (11), until the licence or permission is renewed, as the case may be.
- (8) Every grantee of any licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same at the request of the executive authority.
- (9) Whenever any person is convicted of an offence in respect of

the failure to obtain a licence or permission or to make a registration required by the provisions of this Act or any rule or by-law made under this Act, the magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the amount of the fee chargeable for the licence or permission or for registration; and may in this discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution.

(9-A) Save as otherwise expressly provided in or may be prescribed under this Act every application for a licence or permission or for registration or the renewal of a licence or permission or registration, shall be made not less than thirty and not more than ninety days before the commencement of the year or such less period as mentioned in the application

(10) Such recovery of the fee under sub-section (9) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(11) The acceptance by the municipal council of the prepayment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration, as the case may be, but only to refund of that fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission shall until communication of orders on his application be entitled to act as if the licence or permission or registration has been renewed; and save as otherwise specially provided in this Act, if the orders on an application for licence or permission or for registration are not received by the applicant within sixty days after the receipt of the application by the executive authority the application shall be deemed to have been allowed for the year or for such less period as is mentioned in application, and subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

322. Appeals From Executive Authority To Council :-

(1) An appeal shall lie to the council from -

(a) any notice issued or other action taken or proposed to be taken by the executive authority.

(i) under sections 131, 139, 146, 147, 148, 150, 205 sub-section (1) and sub-section (3) of 216, sub-section (3) of 218, sub-section (1) of 219, sub-section (1) of 224, sub-section (1) of 226, 236, 246

or 247

(ii) under any by-law concerning house drainage and the connection of house drains with municipal drains or house connections with municipal water supply or lighting mains; or

(b) any refusal by the executive authority to approve a building site under section 200; or

(c) any order of the executive authority granting or refusing a licence or permission

(d) any order of the executive authority made under section 321, sub-section (5), suspending or revoking a licence; or

(e) any other order of the executive authority that may be made appealable by rules under section 303.

(2) The decision of the council on any such appeal shall be final.

323. Limitation Of Time For Appeal :-

In any case in which no time is prescribed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal subject to the provisions of section 5 of the Indian Limitation Act, 1908, must be presented-

(a) where the appeal is against an order granting a licence or permission, within thirty days after the date of the publication of the order on the notice board of the municipal council, and

(b) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.

324. Power Of Persons Conducting Election And Other Enquiries :-

All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Tamil Nadu Revenue Summonses Act, 1869, and the provisions of sections 2, 3, 4 and 5 of the Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summonses are issued, by virtue of the said powers shall be bound to obey such summonses.

325. Summons To Attend And Give Evidence Or Produce Documents :-

The executive authority 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.

326. Form Of Notices And Permissions :-

All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

327. Signature On Document :-

(1) Every licence, permission, notice, bill, schedule summons or other document which is required by this Act or by any rule, by-law or regulation made under it to bear the signature of the chairman or executive authority or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the chairman or executive authority or of such municipal officer, as the case may be, stamped thereon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the municipal council.

328. Publication Of Notifications :-

Save as otherwise provided, every notification under this Act other than one issued by the State Government shall be published in the official gazette of the district in which the municipality is situated both in English and in a vernacular language of the district:

Provided that the State Government shall have power to direct that any such notification-

(i) shall be published in the said gazette either in English or in a vernacular language of the district; or

(ii) shall, instead of being published in the said gazette, be published in any other manner specified by them.

329. Publication Of By-Laws, Notices, Orders, Etc :-

Every by-law, notice or other document directed to be published under this Act shall, unless a different method be prescribed by this Act, or by the council, be written in or translated into, the vernacular of the district and deposited at the municipal office, and

a copy shall be pasted up in a conspicuous position at such office and such other places as the council may direct. And a public proclamation shall be made throughout the municipality by beat of drum that such copy has been so pasted up and that the original is open to inspection at the municipal office.

330. Notice Of Prohibitions Or Setting Apart Of Places :-

Whenever the municipal council shall have set apart any place for any purpose authorized by this Act or shall have prohibited the doing of anything in any place, the executive authority shall forthwith cause to be put up a notice in English and in a vernacular language of the district at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

331. Method Of Serving Documents :-

(1) When any notice or other document is required by this Act, or by any rule, by-law, regulation or order made under it, 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 some adult member or, servant of his family; or

(c) if such person does not reside in the municipality and his address elsewhere is known to the executive authority by sending the same to him by post registered; or

(d) if none of the means aforesaid be available, by affixing the same on 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 from this Act of any distinct provision to the contrary, be calculated from the date of such service or sending.

332. Recovery By Occupier Of Sum Leviable From Owner :-

If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier, is liable, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

333. Obstruction Of Owner By Occupier :-

(1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provision of this Act, the executive authority may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default in executing such works.

334. Execution Of Work By Occupier In Default Of Owner :-

If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act, or of any rule, by-law, regulation or order made under it, the occupier of such building or land may, with the approval of the executive authority, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, from the rent, then or thereafter due by him to the owner.

335. Power Of Entry To Inspect, Survey Or Execute The Work :-

The executive authority or any person authorized by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing pipes or meters, or to execute any other work which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it, or which 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) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;
- (b) except when it is in this Act otherwise expressly provided, no dwelling house and no part of a public building used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least six hours previous notice of the intention to make such entry;
- (c) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to women to move to some part of the premises where their privacy may be preserved;
- (d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

336. Power Of Entry On Lands Adjacent To Works :-

- (1) The executive authority or any person authorized by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorized by this Act or by any rule, by-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.
- (2) The executive authority or person authorized by him as aforesaid, shall, before entering on any land, under sub-section (1), give the owner or occupier three days previous notice of the intention to make such entry, and state the purpose thereof, and shall, if so required by the owner or occupier fence off so much of the land as may be required for such purpose.
- (3) The executive authority shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but as little damage as may be shall be done and the executive authority shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.
- (4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the executive authority he may appeal to the council.

337. Inspection And Stamping Of Weights And Measures :-

The executive authority or any person authorized by him in this behalf may examine and test weights and measures used in markets and shops in the municipality with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

338. Consequences Of Failure To Obtain Licenses, Etc. Or Of Breach Of The Same :-

If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of the council or executive authority or registration in the municipal office is necessary for the doing of any act, and if such act is done without such licence or permission or registration, or in a manner inconsistent with the terms of any such licence or permission, then

(a) the executive authority may by notice require the persons so doing such act to alter, remove, or as far as practicable, restore to its original state the whole or any part of any property, movable or immovable, public or private, affected thereby within a time to be specified in the notice and further.

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

339. Time For Complying With Order And Power To Enforce In Default :-

(1) Whenever by any notice, requisition, or order under this Act, or under any rule, by-law or regulation made under it, any person is required to execute any work or to take any measures or do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition, or order is not complied with within the time so named the executive authority may cause such work to be executed or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid; and further.

(3) if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

340. Recovery Of Expenses From Persons Liable And Limitation Of Liability Of Occupier :-

(1) The executive authority may, subject to the provisions of section 139, recover any reasonable expenses incurred under section 339 from the person or any one of the persons to whom the notice, requisition or order was addressed, and may, in executing work or taking measures under section 339, utilize any materials found on the property concerned or may sell them and apply the sale-proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the executive authority may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner, to pay to the municipal council instead of to the owner, the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller as the amount executive authority may think proper; and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2), the executive authority may require any occupier of property to furnish information as to the sum paid by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of any such expenses.

341. Relief To Agent And To Trustees :-

(1) When any person by reason of his receiving the rent of immovable property as agent, trustee, guardian, manager or receiver or of his being agent, trustee, guardian, manager or receiver for the person who would receive the rent if the property were let to a tenant; would, under this Act, be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation or order made under it on the proprietor of the property and for the discharge of which money is required; he shall not be bound to discharge the obligation unless he has, or, but for his own improper

act or default, might have had, in his hand funds belonging to the proprietor sufficient for the purpose.

(2) The burden of proving the facts entitling a person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the executive authority may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the proprietor; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

342. Power Of Executive Authority To Agree To Receive Payment Of Expenses In Instalments :-

Instead of recovering any such expenses as aforesaid in the manner provided under section 344, the executive authority may, if he thinks fit, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

343. Power Of Municipality To Pay Compensation :-

In any case not otherwise expressly provided for in this Act, the executive authority may, with the approval of the council, pay compensation to any person who sustains damage by reason of the exercise by any municipal authority, officer or servant of any of the powers vested in them by this Act or any other law, or, by any rule, by-law or regulation made under it.

344. Recovery Of Sum Due As Taxes :-

All costs, damages, penalties, compensation, charges, fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the municipal council), contributions and other sums which under this Act or any other law or rules or by-laws made thereunder, or under any contract, in respect of water-supply of drainage made in accordance with this Act, the rules or by-laws are due by any persons to the council, may, if there is no special provision in this Act for their recovery be demanded by bill as provided in the rules in Schedule IV and recovered in the

manner provided therein.

345. 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 municipal council under this Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

346. Procedure In Dealing With Surplus Sale-Proceeds :-

If any property, movable or immovable, is sold under the provisions of this Act and if there is a surplus after the sum due to the municipal council and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the executive authority, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund, and no suit shall lie for the recovery of any sum so credited.

347. Persons Empowered To Prosecute :-

Save as otherwise expressly provided in this Act, no Court shall take cognizance of any offence against the provisions of this Act, or of any rule, or by-law made under it unless complaint is made by the police, or the executive authority or by a person expressly authorised in this behalf by the council or the executive authority within three months of the commission of the offence. But nothing herein shall affect the provisions of the Code of Criminal Procedure 1898 in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section, be deemed continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

348. Imprisonment In Default Of Payment And Application

Of Costs, Etc. :-

(1) In case any fine or costs imposed or assessed by a magistrate under this Act or under any rule or by-law made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

(2) Any fine, costs, tax or other sum imposed or assessed by a magistrate under this Act or under any rule or by-law made under it shall be recoverable by such magistrate under the Code of Criminal Procedure. See now the Criminal Procedure Code II of 1974, as if it were a fine and the same shall except in the case of a fine on recovery be paid to the municipal council to be applied to the purposes of this Act.

349. Payment Of Compensation For Damage To Municipal Property :-

If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule or by-law made under it and by reason of such act or omission damage has been caused to any property owned by or vesting in the municipal council, 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 Court before whom he was convicted of the said offence on application made to him for the purpose by the executive authority not later than three months from the date of conviction; and in default of payment of the amount of compensation so determined, it shall be recovered under the warrant from the said Court as if it were a fine inflicted by him on the person liable therefor.

350. Institution Of Suits Against Municipal Authorities, Officers And Servants :-

(1) No suit for damages or compensation shall be instituted against the municipal council, any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or execution or intended execution of this Act or any rule, by-law, regulation or order made under it or in

respect of any alleged neglect or default in execution of this Act, or any rule, by-law, regulation, or order made under it until expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender by the person to whom such notice has been given, and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the chairman, the executive authority or a municipal officer or servant, payment of the sum, or any part of any sum, payable by him in, or in consequence of, the suit whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the council, from the municipal fund.

351. Provision Respecting Institution Etc., Of Civil And Criminal Actions And Obtaining Of Legal Advice :-

The executive authority may-

(a) take, or withdraw from, proceedings, against any person who commits

(i) any offence against this Act, the rules, by-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the municipal council or the due administration of this Act;

(iii) any nuisance whatsoever;

(b) compound any offence against this Act, the rules, by-laws, or regulations which may by rules made by the State Government be declared compoundable;

(c) with the approval of the council take, withdraw from or compromise proceedings for the recovery of expenses or

compensation claimed to be due to the municipal council;

(d) with the approval of the council withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the executive authority

(e) with the approval of the council, defend any suit or other legal proceeding brought against the municipal council or against any municipal authority, officer or servant, in respect of anything done or omitted to be done in its or his official capacity;

(f) with the approval of the council, compromise any claim, suit or legal proceeding brought against the council or against any municipal authority officer or servant, in respect of anything done or omitted to be done as aforesaid;

(g) with the approval of the council, institute and prosecute any suit for withdrawal from or compromise any suit or claim, which has been instituted or made in the name of the municipal council or of the executive authority;

(h) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the council to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or municipal officer or servant

351B. Injunctions Not To Be Granted In Election 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 preparation or publication of electoral rolls or for the conduct of any election.

352. Indemnity To The Government, Collector, Revenue Divisional Officer, Municipal Authorities, Officers And Agents :-

No suit shall be maintainable against the State Government the District Collector, the Revenue Divisional Officer or any Municipal Chairman, executive authority, officer or servant or any person acting under direction of any municipal chairman, executive authority, officer or of a magistrate, in respect of anything in good faith done under this Act or any rule, by-law, regulation or order made there it.

353. Liability Of Chairman, Members, And Executive Authority For Loss, Waste, Or Misapplication :-

(1) The chairman, every councillor, and the executive authority shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the council with the previous sanction of the State Government or by the State Government.

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

353A. Sanction For Prosecution Of Chairman, Councillor, Or Executive Authority :-

When the chairman, any councillor or the executive authority is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the State Government.

354. Assessments, Etc., Not To Be Impeached :-

(1) No assessment or demand made and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged: provided that the provisions of this Act have been in substance and effect, complied with. And no proceedings under this Act shall merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority:

Provided that the provisions of this Act have been, in effect, complied with.

(3) No distraint or sale under this Act shall be deemed unlawful nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice,

schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto if the provisions of this Act, the rules and by-laws have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover compensation for any special damage sustained by him.

355. Duties Of Police Officers :-

(1) It shall be the duty of every police officer-

(a) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act, or any rule, by-law or regulation made under it, and

(b) to assist the chairman, the executive authority or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the chairman or the executive authority or in such municipal officer or servant under this Act, or any such rule, by-law or regulation.

(c) Omitted

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed an offence under section 10 or under section 44 of the Madras District Police Act, 1859.

356. Power Of Police Officers To Arrest Persons :-

(1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule or by-law made under it, he shall, if the name and address of such person are unknown to him, and if the said person on demand declines to give his name and address, or gives a name and, address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody-

(a) after his true name and address are ascertained, or

(b) without the order of a magistrate for any longer time, not exceeding twenty four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

357. Exercise Of Powers Of Police Officer By Municipal Servants :-

The State Government may empower any municipal servant or any class of municipal servants to exercise the powers of police officer for the purposes of this Act and of the Tamil Nadu Towns Nuisances Act, 1889.

358. Application Of Term Public Servant To Municipal Officers, Agents And Sub-Agents :-

Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, fee or other sum due to the municipal council and every person employed by any such contractor or agent for the collection of such tax. fee or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

359. Prohibition Against Obstruction Of Municipal Authorities, Servants And Contractors :-

No person shall obstruct or molest the council, the chairman, any councillor, the executive authority, or any person employed by the municipal council or any person with whom a contract has been entered into on behalf of the council in performance of their duty or of any thing which they are empowered or required to do by virtue or in consequence of this Act or of any by-law, rule, regulation or order made under it.

360. Prohibition Against Removal Of Mark :-

No person shall remove any mark set up for the purpose of indicating any level of direction incidental to the execution of any work authorized by this Act or by any by-law, rule or order made under it.

361. Prohibition Against Removal Or Obliteration Of Notice :-

No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate, any notice exhibited by, or under the orders of the council or the executive authority.

362. Prohibition Against Unauthorized Dealings With Public Place Or Materials :-

No person shall, without authority in that behalf, remove earth,

sand or other material or deposit any matter or make any encroachment from, in or on any land vested in the municipal council, or river, estuary, canal, backwater or water-course (not being private property) or in any way obstruct the same.

363. Delegation Of Powers By The State Government :-

(1) The State Government may by notification authorize any person to exercise any one or more of the powers vested in them by this Act, except the powers mentioned in Chapters II and III, the power to determine the amount of contribution under section 156, the power to make rules under sub-section (2) of section 77-A and sections 303 and 305 and the power to sanction prosecution under section 353-A and may in like manner withdraw such authority.

(2) The exercise of any powers delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the State Government or by such persons as may be empowered by them in this behalf. The State Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

364. Passing Of Property And Rights To Municipality As Reconstituted :-

All property, all rights of whatever kinds used, enjoyed or possessed by and all interests of whatever kind owned by, or vested in or held in trust, by, or for. a municipal council, as constituted under the Tamil Nadu District Municipalities Act, 1884, as well as all liabilities legally subsisting against the said council shall pass to the council as constituted under this Act.

365. Commencement Of Act :-

This Act shall come into force on such date as the State Government may by notification direct:

Provided that the power to make or approve rules, by-laws and regulations may be exercised at any time after the publication of the assent of the Governor-General under section 81 of the Government of India Act, 1915, and that any election or appointment of chairman, or councillors under this Act, or under the rules made under this Act, may be held or made at any time after such publication, but no such election or appointment shall take

effect until the commencement of the Act.

366. Continuance In Office Of Present Chairman And Councillors :-

In their application to the term of office and the election and appointment of councillors and the chairman elected or appointed for the first time after the commencement of this Act, the provisions of this Act shall be read subject to the following modifications:-

(a) The term of office of the chairman and of the councillors holding office under the Tamil Nadu District Municipalities Act, 1884, shall expire on such date or dates after the commencement of this Act as the State Government shall determine and the State Government shall make appointments and cause arrangements for election to be made under this Act so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the former councillors and the chairman elected or appointed under this Act on the date fixed for the retirement of the chairman elected or appointed or ex-officio under the Tamil Nadu District Municipalities Act, 1884 and until they so come into office the chairman and the councillors appointed or elected or ex-officio under the Tamil Nadu District Municipalities Act, 1884, shall have all the powers and be subject to all the duties respectively of the chairman and councillors under this Act; and

(b) on or as soon as may be after the constitution of the council under this Act, a meeting shall be held on a day and at a time fixed by the chairman, and if not held on that date shall be held on some subsequent day fixed by the chairman-

(i) for ascertainment by lot (or if the State Government so direct otherwise than by lot) of one-third the number of elective seats to be vacated at noon on the first day of November, 1921 and of one-third more such seats to be vacated at noon on the first day of November, 1921 and of one-third more such seats to be vacated at noon on the first day of November, 1922 and the councillors elected for the total number of seats so ascertained or the councillors elected in their places in casual vacancies shall hold office until the first day of November, 1921 or the first day of November, 1922 as the case may be and the remaining elected councillors shall continue in office until the first day of November, 1923; and

(ii) for the election of a chairman by those councils on whom this privilege has been conferred by the State Government.

367. Procedure For Recovery Of Arrears Of Taxes, Etc. :-

All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a municipal council at the time this Act comes into force may be recovered as though they had accrued under this Act.

368. Special Provision In The Case Of Newly Constituted And Reconstituted Municipal Councils :-

(1) Notwithstanding anything contained in this Act, when a municipality is constituted for the first time, the State Government may appoint a special officer to exercise the powers, discharge the duties and perform the functions of the municipal council and its chairman and executive authority.

(2) The special officer shall cause arrangements for election to be made so that the newly elected councillors may come into office on a day within six months from the date of publication of the notification under sub-section (3) of section 4 declaring the area to be a municipality.

(3) The special officer shall exercise the powers, discharge the duties and perform the functions of the municipal council until the council has been constituted, of the chairman by the council and of the executive authority by the council or a commissioner has been appointed, as the case may be.

(4) [Omitted by Tamil Nadu Act XXIII of 1978].

(5) The term of office of the councillors or of the councillors elected in their places at casual, vacancies shall be five years beginning and expiring at noon on such date as the State Government may, by notification, appoint in that behalf and different dates may be appointed for different municipal councils:

(6) The provisions of sub-sections (1) to (5) shall apply save as otherwise provided in this Act and, so far as may be, to all cases of reconstitution of municipal councils, and to all cases where ordinary vacancies in the office of councillors have not been filled.

(7) Where the number of seats on a municipal council is increased by or in consequence of a notification under sub-section (1) of section 7, the councillors elected for the additional seats or the councillors elected in their places at casual vacancies shall hold office until the date on which the councillors elected to the original seats at the ordinary elections immediately preceding will vacate office.

369. Adjudication Of Disputes Between Local Authorities :-

(1) When a dispute exists between a council and one or more than one other local authority in regard to any matters arising under the provisions of this or any other Act and the State Government are of opinion that the local authorities concerned are unable to settle it, amicably among themselves, the State Government may take cognizance of the dispute, and

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators, or to a joint committee constituted under section 26 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the State Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given, whether before or after this sub-section comes into force, under clause (a) of sub-section (1) or under sub-section (2) may, at the instance of the local authorities concerned, be modified from time to time by the State Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section may, at the instance of such local authorities, be cancelled at any time by the State Government.

Any such decision or any modification therein or cancellation thereof shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) The powers of the State Government under this section shall, where one of the local authorities concerned is a cantonment authority or the port authority of a major port only be exercisable with the concurrence of the Central Government.

370. References To Chairman In Other Enactments And Notifications, Etc., Issued Thereunder :-

(1) Any reference to the chairman contained in any enactment in force in the State of Tamil Nadu or in any notification, order, scheme, rule, form or by-law made under any such enactment and in force in the said State shall where such reference relates to the executive functions of the chairman be construed as a reference to the executive authority.

(2) If any question arises as to whether any such reference relates to the executive functions of the chairman or not, the decision of

the State Government shall be final.

(3) Any reference to the town panchayat contained in any enactment in force in the State of Tamil Nadu or in any notification, order, scheme, rules, form or by-law made under any such enactment and in force in the said State shall be construed as a reference to the town panchayat constituted under this Act.

Consequential provisions TN District Municipalities Amendment Act II of 1997.

(3) Disposal of pending application-Notwithstanding anything contained in the Principal Act or the rules made thereunder, every application for grant of a licence for the construction or reconstruction of a building pending under section 217-C of the principal Act, before the executive authority of a hill station situated in a district in respect of which any power has been delegated to the Collector under section 217-P of the principal Act in the date of the publication of the Tamil Nadu District Municipalities (Amendment) Act, 1997 in the Tamil Nadu Government Gazette shall be disposed of in accordance with the provisions of the Principal Act as amended by this Act.

371. Power To Remove Difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Tamil Nadu District Municipalities (Amendment) Act, 1994, the State Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of the Act, as amended by the Tamil Nadu District Municipalities (Amendment) Act, 1994 as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994.

(2) Every order made under sub-section (1) shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly and if before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such order or the Assembly decides that the order should not be issued, the 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 order.

372. Repeal Of Certain Acts :-

The Mettur Township Act, 1940 (Tamil Nadu Act XI of 1940) the Courtallam Township Act, 1954 (Tamil Nadu Act XVI of 1954) and the Bhavanisagar Township Act, 1954 (Tamil Nadu Act XXV of 1954) are hereby repealed.

373. Conversion Of A Township Into A Municipality Or Town Panchayat :-

Notwithstanding anything contained in this Act or any other law for the time being in force, the State Government may, by notification, direct that the local area constituting any township shall from such date as may be specified therein (hereinafter referred to as the specified date), be a municipal area of a panchayat town and in respect thereof on and from such specified date, the following consequences shall ensue, namely:-

(a) the township committee of such area shall cease to exist or to function;

(b) there shall be constituted for the municipal area a municipality, or, as the case may be, for the panchayat area, town panchayat under the provisions of this Act, as amended by the Tamil Nadu District Municipalities (Amendment) Act, 1994;

(c) the unexpended balance of the fund and the property (including arrears of rates, taxes and fees) belonging to the township committee and all rights and powers which, prior to such notification, vested in the township committee shall, subject to all charges and liabilities affecting the same vest in the fund constituted for the municipality, or as the case may be, the town panchayat;

(d) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law, or form made, issued, imposed or granted under any law governing such township before the specified date in respect of such local area shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the municipal area or town panchayat area until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, licence, by-law, or form made, issued, imposed or granted under this Act;

(e) all budget estimates, assessments, assessment lists, valuation or measurements made, or authenticated under any law governing such townships immediately before the specified date in respect of

such local area shall be deemed to have been made or authenticated, under this Act;

(f) all debts and obligations incurred and all contracts made by or on behalf of the township committee before the specified date and subsisting on the specified date shall be deemed to have been incurred and made by the municipality, or as the case may be, the town panchayat, in exercise of the powers conferred on it by this Act;

(g) all officers and servants in the employment of the township committee immediately before the specified date shall be officers and servants of the municipality, or as the case may be, the town panchayat, under this Act, and shall until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and subject to the conditions of service to which they were entitled or subject immediately before such date:

Provided that it shall be competent to the municipality or town panchayat subject to the previous sanction of the State Government to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the municipality or town panchayat service after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalidated out of service as if the township committee in the employment of which he was, had not ceased to exist;

(h) all proceedings pending immediately before the specified date before the township committee shall be deemed to be transferred to and be continued before the municipality or town panchayat;

(i) all appeals pending immediately before the specified date before the township committee shall, so far as may be practicable, be disposed of as if such local area had been included in the municipality or town panchayat when they were filed :

(j) all prosecutions instituted by or on behalf of the township committee and all suits or other legal proceedings instituted by or against such township committee or any officer of such township committee pending immediately before the specified date shall be continued by or against the municipality or town panchayat as if such local area had been included in the municipal area or panchayat town when such prosecutions, suits or proceedings were instituted.

374. Powers, Authority And Responsibilities Of The Municipalities :-

Save as otherwise provided in this Act, the State Government may, by notification and subject to such conditions and restrictions as may be specified therein, entrust to the municipality, town panchayat, the wards committee or any other committee constituted under this Act with such powers and responsibilities with respect to the preparation of plans for economic development and social justice and also with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matter listed in Schedule X.

375. Transitory Provision :-

(1) Notwithstanding anything contained in this Act, or in any other law for the time being in force the State Government may, by notification, if necessary, appoint special officers to exercise the powers and discharge the functions of the municipalities or the town panchayats, as the case may be, until the day on which the first meetings of the municipal councils are held after ordinary elections to the municipalities and the town panchayats after the date of commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994.

(2) The Special Officers appointed under sub-section (1) in respect of Courtallam and Bhavanisagar Municipalities and holding office as such immediately before the 13th day of August, 1997 shall be deemed to have been appointed as Special Officers under sub-section (1) with effect on and from the 13th day of August, 1997 in respect of Courtallam and Bhavanisagar Town Panchayats and such Special Officers shall continue to hold office upto the 30th day of June, 1998 or for such shorter period as the State Government may, by notification, specify in this behalf.

376. Special Provision In Respect Of Town Panchayats And Validation :-

Notwithstanding the repeal of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu XXXV of 1958) (hereafter in this section referred to as the 1958 Act), by the Tamil Nadu Panchayats Act, 1994, (Tamil Nadu Act 21 of 1994), on and from the 22nd day of April, 1994, the provisions of the 1958 Act in so far as they relate to town

panchayats, shall be deemed never to have been repealed and to have been continued to be in force upto and inclusive of the date of the commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994, and the Special Officers appointed in respect of town panchayats under section 3 of the Tamil Nadu Panchayats and Panchayat Union Councils (Appointment of Special Officers) Act, 1991 (Tamil Nadu Act 15 of 1991), shall be deemed to have exercised the powers and performed the functions conferred under the said section 3, for the period commencing on the 22nd day of April, 1994 and ending with the date of the commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994, as if, in respect of town panchayats, the 1958 Act and this section had been in force at all material times, when such powers were exercised and functions were performed.