

## **Tamil Nadu Municipal Laws (Amendment) Act, 2003**

**19 of 2003**

### CONTENTS

#### **PART 1 :- PRELIMINARY**

1. Short Title And Commencement

#### **PART 2 :- AMENDMENTSTO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919**

2. Amendment Of Section 326-6
3. Amendment Of Section 326-C
4. Insertion Of New Section 326-Cc
5. Amendment Of Section 326-D
6. Amendment Of Section 326-E
7. Amendment Of Section 326-F
8. Amendment Of Section 326-H
9. Amendment Of Section 326-J

#### **PART 3 :- AMENDMENTSTO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1970**

10. Amendment Of Section 285-B
11. Amendment Of Section 285-C
12. Insertion Of New Section 285-Cc
13. Amendment Of Section 285-D
14. Amendment Of Section 285-E
15. Amendment Of Section 285-F
16. Amendment Of Section 285-H
17. Amendment Of Section 285-J

#### **PART 4 :- AMENDMENTSTO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971**

18. Amendment Of Section 410-B
19. Amendment Of Section 410-C
20. Insertion Of New Section 410-Cc
21. Amendment Of Section 410-D
22. Amendment Of Section 410-E
23. Amendment Of Section 410-F
24. Amendment Of Section 410-H
25. Amendment Of Section 410-J

**PART 5 :- AMENDMENTSTO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981**

- 26. Amendment Of Section 410-B
- 27. Amendment Of Section 410-C
- 28. Insertion Of New Section 410-Cc
- 29. Amendment Of Section 410-D
- 30. Amendment Of Section 410-E
- 31. Amendment Of Section 410-F
- 32. Amendment Of Section 410-H
- 33. Amendment Of Section 410-J

**PART 6 :- SPECIAL PROVISIONS**

- 34. Special Provision Relating To Transfer Of Pending Applications And Payment Of Tax

**Tamil Nadu Municipal Laws (Amendment) Act, 2003**

**19 of 2003**

An Act further to amend the Laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-fourth Year of the Republic of India as follows:- Statement of Objects and Reasons<sup>2</sup> As per the provisions of the Acts governing the Urban Local Bodies in the State, the Commissioner or the executive authority as the case may be, of the Urban Local Body concerned is empowered to grant licence for erecting hoardings in the local areas of the Urban Local Bodies and the Council of the Urban Local Body concerned is empowered to determine the rates of tax on advertisements on such hoardings, having regard to the location, size, reach and nature of the advertisement and subject to the maxima and minima fixed by the Government in this behalf and such rate of tax in any case shall not exceed rupees five hundred per square metre per half year. Appeal against the order of the said licensing authority shall lie to the Standing Committee or as the case may be, the Taxation Appeal Committee of the Urban Local Body concerned. In order to improve the monitoring and regulation of all hoardings and to ensure effective implementation of the licensing of hoarding, the Government have decided to empower the District Collector to grant licence for hoardings and to make the Government as the appellate authority. The Government have also decided to empower the Government to prescribe by rules the advertisement tax on hoardings subject to the maxima and minima specified in the Act

concerned and credit the licence fees and seventy five per cent of the advertisement tax on hoardings to the Government account and the balance of twenty-five per cent on such advertisement tax to the account of the Urban Local Body concerned. It has been decided to amend the relevant Acts for the purpose. 2. The Bill seeks to give effect to the above decisions. Memorandum regarding Delegated Legislation<sup>2</sup> Section 326-C and new Section 326-CC proposed to be inserted in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), Section 285-C and new Section 285-CC proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), Section 410-C and new Section 410-CC proposed to be inserted in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) by clauses 3, 4, 11, 12, 19, 20, 27 and 28 of the Bill, respectively, authorise the Government to issue rules to carryout the purposes specified therein. 2. The powers delegated are normal and not of an exceptional character. 1. Received the assent of the Governor on the 17th May, 2003 - Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Issue No. 136, dated 19th May, 2003. 2. Vide T.N. Bill No.29 of 2003.

#### PART 1

#### PRELIMINARY

### **1. Short Title And Commencement :-**

(1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2003.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

#### PART 2

#### AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919

### **2. Amendment Of Section 326-6 :-**

In Section 326-B of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereafter in this Part referred to as the principal Act), in sub-section (1), for the expression "Commissioner", the expression "District Collector" shall be substituted.

### **3. Amendment Of Section 326-C :-**

In Section 326-C of the principal Act,-

(1) for the expression "Commissioner" in three places where it occurs, the expression "District Collector" shall be substituted;

(2) after sub-section (4), the following sub-section shall be added, namely,-

"(5) The fee paid under sub-section (1) shall be credited to the State Government account in such manner as may be prescribed."

#### **4. Insertion Of New Section 326-Cc :-**

After Section 326-C of the principal Act, the following Section shall be inserted, namely .-

"326-CC. Tax on advertisement on hoardings.- (1) Notwithstanding anything contained in this Act, every person, who is granted licence under Section 326-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 sq. metre per half year  
(Rupees)

(1) (2)

Minimum Maximum

1. Hoardings in arterial road with bus route -

(a) without lighting 250 400

(b) with ordinary lighting 300 600

(c) with neon or mercury lighting 350 700

2. Hoardings in main road with bus route -

(a) without lighting 180 300

(b) with ordinary lighting 230 400

(c) with neon or mercury lighting 280 500

3. Hoardings in other road or street-

(a) without lighting 120 200

(b) with ordinary lighting 150 300

(c) without neon or mercury lighting 200 400

(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 per cent shall be credited to the Corporation account In such manner as may be prescribed."

#### **5. Amendment Of Section 326-D :-**

In Section 326-D of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

**6. Amendment Of Section 326-E :-**

In Section 326-E of the principal Act, for the expression "Commissioner", the expression "District Collector" shall be substituted.

**7. Amendment Of Section 326-F :-**

In Section 326-F of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

**8. Amendment Of Section 326-H :-**

In Section 326-H of the principal Act,-

(1) in sub-section (1),-

(a) for the expression "Standing Committee", the expression "State Government" shall be substituted;

(b) for the expression "Commissioner", the expression "District Collector" shall be substituted;

(2) in sub-section (3), for the expression "Standing Committee", the expression "State Government" shall be substituted.

**9. Amendment Of Section 326-J :-**

In Section 326-J of the principal Act, for the expression "Commissioner", in four places where it occurs, the expression "District Collector" shall be substituted.

**PART 3**

**AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1970**

**10. Amendment Of Section 285-B :-**

In Section 285-B of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the principal Act, in sub-section (1), for the expression "executive authority", the expression "District Collector" shall be substituted.

**11. Amendment Of Section 285-C :-**

In Section 285-C of the principal Act -

(1) for the expression "executive authority", in three places where it occurs, the expression "District Collector" shall be substituted.

(2) after sub-section (4), the following sub-section shall be added, namely.-

"(5) The fee paid under sub-section (1) shall be credited to the State Government account in such manner as may be prescribed."

## **12. Insertion Of New Section 285-Cc :-**

After Section 285-C of the principal Act, the following Section shall be inserted, namely .-

"285-CC. 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

| <b>Location and Nature</b>                     | <b>Rates of tax per sq. metre per half year (Rupees)</b> |         |
|--|--|---------|
| (1)  | (2)  |         |
|  | 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) without 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 |
| (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 per cent 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."

### **13. Amendment Of Section 285-D :-**

In Section 285-D of the principal Act, for the expression "executive authority ", in two places where it occurs, the expression "District Collector" shall be substituted.

### **14. Amendment Of Section 285-E :-**

In Section 285-E of the principal Act, for the expression "executive authority", the expression "District Collector" shall be substituted.

### **15. Amendment Of Section 285-F :-**

In Section 285-F of the principal Act, for the expression, "executive authority", in places where it occurs, the expression "District Collector" shall be substituted.

### **16. Amendment Of Section 285-H :-**

In Section 285-H of the principal Act,-

(1) in sub-section (1),-

(a) for the expression "Taxation Appeals Committee", the expression "State Government" shall be substituted;

(b) for the expression "executive authority", the expression "District Collector" shall be substituted;

(2) in sub-section (3), for the expression "Taxation Appeals Committee", the expression "State Government" shall be substituted.

## **17. Amendment Of Section 285-J :-**

In Section 285-J of the principal Act, for the expression "executive, authority", in four places where it occurs, the expression "District Collector" shall be substituted.

### **PART 4**

### **AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971**

## **18. Amendment Of Section 410-B :-**

In Section 410-B of the Madurai City, Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) (hereafter in this Part referred to as the principal Act), in sub-section (1), for the expression "Commissioner", the expression "District Collector" shall be substituted.

## **19. Amendment Of Section 410-C :-**

In Section 410-C of the principal Act,-

(1) for the expression "Commissioner", in three places where it occurs, the expression "District Collector" shall be substituted;

(2) after sub-section (4), the following sub-section shall be added, namely.-

"(5) The fee paid under sub-section (1) shall be credited to the Government account in such manner as may be prescribed.".

## **20. Insertion Of New Section 410-Cc :-**

After Section 410-C of the principal Act, the following Section shall be inserted, namely .-

"410-CC. Tax on advertisement on hoardings.- (1) Notwithstanding anything contained in this Act, every person, who is granted licence under Section 410-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 sq. metre per half year (Rupees) |         |
|---------------------|---|---------|
| (1)                 | (2)   |         |
|                     | Minimum   | Maximum |



|  |     |     |
|--|-----|-----|
| 1. Hoardings in arterial road with bus route — |     |     |
| (a) without lighting                           | 150 | 400 |
| (b) with ordinary lighting                     | 200 | 600 |
| (c) with neon or mercury lighting              | 300 | 700 |
| 2. Hoardings in main road with bus route —     |     |     |
| (a) without lighting                           | 100 | 300 |
| (b) with ordinary lighting                     | 150 | 400 |
| (c) with neon or mercury lighting              | 200 | 500 |
| 3. Hoardings in other road or street—          |     |     |
| (a) without lighting                           | 90  | 200 |
| (b) with ordinary lighting                     | 125 | 300 |
| (c) without neon or mercury lighting           | 150 | 400 |

(2) Seventy-five per cent of the tax paid by every person, under sub Section (1) shall be credited to the Government account and the balance of twenty-five per cent shall be credited to the Corporation account in such manner as may be prescribed."

## **21. Amendment Of Section 410-D :-**

In Section 410-D of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

## **22. Amendment Of Section 410-E :-**

In Section 410-E of the principal Act, for the expression "Commissioner", the expression "District Collector" shall be substituted. ;

## **23. Amendment Of Section 410-F :-**

In Section 410-F of the principal Act, for the expression, "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

## **24. Amendment Of Section 410-H :-**

In Section 410-H of the principal Act,-

(1) in sub-section (1),-

(a) for the expression "Standing Committee", the expression "Government" shall be substituted;

(b) for the expression "Commissioner", the expression "District Collector" shall be substituted;

## **25. Amendment Of Section 410-J :-**

In Section 410-J of the principal Act, for the expression, "Commissioner", in four places where it occurs, the expression "District Collector" shall be substituted.

### **PART 5**

#### **AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981**

## **26. Amendment Of Section 410-B :-**

In Section 410-B of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) (hereafter in this Part referred to as the principal Act), in sub-section (1), for the expression "Commissioner", the expression "District Collector" shall be substituted.

## **27. Amendment Of Section 410-C :-**

In Section 410-C of the principal Act,-

(1) for the expression "Commissioner", in three places where it occurs, the expression "District Collector" shall be substituted.

(2) after sub-section (4), the following sub-section shall be added, namely,-

"(5) The fee paid under sub-section (1) shall be credited to the Government account in such manner as may be prescribed."

## **28. Insertion Of New Section 410-Cc :-**

After Section 410-C of the principal Act, the following Section shall be inserted, namely :-

"410-CC. Tax on advertisement on hoardings.- (1) Notwithstanding anything contained in this Act, every person, who is granted licence under Section 410-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 sq. metre per half year (Rupees) |         |
|----|---|---|---------|
|    |   | (1)   | (2)     |
|    |   | Minimum   | Maximum |
| 1. | Hoardings in arterial road with bus route — |   |         |

|    |   |     |     |
|----|---|-----|-----|
|    | (a) without lighting                    | 150 | 400 |
|    | (b) with ordinary lighting              | 200 | 600 |
|    | (c) with neon or mercury lighting       | 300 | 700 |
| 2. | Hoardings in main road with bus route — |     |     |
|    | (a) without lighting                    | 100 | 300 |
|    | (b) with ordinary lighting              | 150 | 400 |
|    | (c) with neon or mercury lighting       | 200 | 500 |
| 3. | Hoardings in other road or street—      |     |     |
|    | (a) without lighting                    | 90  | 200 |
|    | (b) with ordinary lighting              | 125 | 300 |
|    | (c) without neon or mercury lighting    | 150 | 400 |

(2) Seventy-five per cent of the tax paid by every person, under sub-section (1) shall be credited to the Government account and the balance of twenty-five per cent shall be credited to the Corporation account in such manner as may be prescribed."

### **29. Amendment Of Section 410-D :-**

In Section 410-D of the principal Act, for the expression "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

### **30. Amendment Of Section 410-E :-**

In Section 410-E of the principal Act, for the expression "Commissioner", the expression "District Collector" shall be substituted.

### **31. Amendment Of Section 410-F :-**

In Section 410-F of the principal Act, for the expression, "Commissioner", in two places where it occurs, the expression "District Collector" shall be substituted.

### **32. Amendment Of Section 410-H :-**

In Section 410-H of the principal act,-

(1) in sub-section (1),-

(a) for the expression "Standing Committee", the expression "Government" shall be substituted;

(b) for the expression "Commissioner", the expression "District Collector" shall be substituted;

### **33. Amendment Of Section 410-J :-**

In Section 410-J of the principal Act, for the expression, "Commissioner", in four places where it occurs, the expression "District Collector" shall be substituted.

PART 6

SPECIAL PROVISIONS

**34. Special Provision Relating To Transfer Of Pending Applications And Payment Of Tax :-**

(1) All licences to erect hoardings granted by the Commissioner or the executive authority, as the case may be, under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), Tiruchirappalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994) and Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), shall be deemed to have been granted by the District Collector under the relevant Acts as amended by this Act.

(2) All Applications for licence to erect hoardings, pending before the Commissioner or the executive authority, as the case may be, on the date of commencement of this Act, shall stand transferred to the District Collector concerned.

(3) The District Collector shall dispose of the application transferred under sub-section (2) in accordance with the provisions of the relevant Acts.

(4) No tax on advertisement on hoardings shall be levied in respect of any period for which such tax has already been paid under the relevant Acts before the date of commencement of this Act.