

Tamil Nadu Municipal Laws (Amendment) Act, 2006

18 of 2006

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Tamil Nadu Municipal Laws (Amendment) Act, 2006

18 of 2006

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:-- 1. Received the Assent of the Governor of Tamil Nadu on September 1, 2006 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 223, pages 83-97, dated September 1, 2006. Explanatory Statement -- Refer T.N. Ordinance No.4 of 2006 --2006 (2) CTAR 1.14

PART 1

PRELIMINARY

1. Short Title And Commencement :-

(1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 14th day of July 2006.

PART 2

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919

2. Substitution Of Sections 28 And 29 :-

For Sections 28 and 29 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), the following Sections shall be substituted, namely:--

"28 Election of Mayor and Deputy Mayor.-- (1) The council shall, at its first meeting after each ordinary election to the council.--

(i) elect one of its councillors to be the Mayor; and

(ii) elect one of its councillors other than the Mayor to be the Deputy Mayor.

(2) A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

29. Term of Office of Mayor and Deputy Mayor-- (1) The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.

(2) On the occurrence of any vacancy in the Office of Mayor or Deputy Mayor, the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

(3) A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be."

3. Insertion Of New Sections 44-Ab And 44-Ac :-

After Section 44-AA of the 1919 Act, the following Sections shall be inserted, namely:--

"44-AB. State Government to remove Mayor or Deputy Mayor.--(1) The State Government may, by notification, remove a Mayor or a Deputy Mayor, 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 orders issued under this Act or abuses the powers vested in him.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor or Deputy Mayor 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 the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or the expiry of one year from the date specified in such notification.

44-AC. Motion of no-confidence in Mayor or Deputy Mayor.-- (1) Subject to the provisions of this Section, a motion expressing want of confidence in the Mayor or Deputy Mayor 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 in person to the commissioner by any two of the councillors signing the notice.

(3) The commissioner shall then convene a meeting for the consideration 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 commissioner shall preside at the meeting convened under this Section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the commissioner 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 commissioner under subsection (5).

(5) If the commissioner 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 commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate.

(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 commissioner 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 commissioner to the State Government.

(12) If the motion is carried with the support of not less than three-fifth of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be.

(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 Mayor or the Deputy Mayor 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 Mayor or a Deputy Mayor."

4. Insertion Of New Section 46-Aa :-

After Section 46-A of the 1919 Act, the following Section shall be inserted, namely:--

"46-AA. 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 council to be held immediately after the 14th day of July 2006, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors to be returned from such divisions shall be the same as they exist on the 14th day of July 2006".

5. Amendment Of Section 59 :-

In Section 59 of the 1919 Act, in subsection (2), in clause (c), for the words "councillor or Mayor", the word "councillor" shall be substituted.

6. Amendment Of Section 348 :-

In Section 348 of the 1919 Act, clauses (a) and (b) shall be omitted.

7. Substitution Of Sections 29 And 30 :-

For Sections 29 and 30 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) (hereinafter in this Part referred to as the 1971 Act), the following Sections shall be substituted, namely:--

"29. Election of Mayor and Deputy Mayor.--(1) The council shall, at its first meeting after each ordinary election to the council,--

(i) elect one of its councillors to be the Mayor; and

(ii) elect one of its councillors other than the Mayor to be the Deputy Mayor.

(2) A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

30. Term of office of Mayor and Deputy Mayor.-- (1) The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.

(2) On the occurrence of any vacancy in the office of Mayor or Deputy Mayor, the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

(3) A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be."

8. Insertion Of New Sections 48-Aa And 48-Ab :-

After Section 48-A of the 1971 Act, the following Sections shall be inserted, namely:--

"48-AA. State Government to remove Mayor or Deputy Mayor.--(1) The State Government may, by notification, remove a Mayor or a Deputy Mayor, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations made or lawful orders issued under this Act or abuses the powers vested in him.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor or Deputy Mayor 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 the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or expiry of one year from the date specified in such notification.

48-AB. Motion of no-confidence in Mayor or Deputy Mayor-- (1) Subject to the provisions of this Section, a motion expressing want of confidence in the Mayor or Deputy Mayor 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 in person to the commissioner by any two of the councillors signing the notice.

(3) The commissioner shall then convene a meeting for the consideration 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 commissioner shall preside at the meeting convened under this Section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the commissioner 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 commissioner under subsection (5).

(5) If the commissioner 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 commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate

(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 commissioner 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 commissioner to the State Government.

(12) If the motion is carried with the support of not less than three-fifth of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be.

(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 Mayor or the Deputy Mayor 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 Mayor or a Deputy Mayor."

9. Insertion Of New Section 50-A :-

After Section 50 of the 1971 Act, the following Section shall be inserted, namely:--

"50-A 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 council to be held immediately after the 14th day of July 2006, the territorial area of the wards of the city, the total number of wards and the total number of councillors to be returned from such wards shall be the same as they exist on the 14th day of July 2006."

10. Amendment Of Section 66 :-

In Section 66 of the 1971 Act, in subsection (2), in clause (b), for the words "councillor or Mayor", the word "councillor" shall be substituted.

PART 4

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981

11. Substitution Of Sections 29 & 30 :-

For Sections 29 and 30 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) (hereinafter in this Part referred to as the 1981 Act), the following Sections shall be substituted, namely:--

"29. Election of Mayor and Deputy Mayor.--(1) The council shall, at its first meeting after each ordinary election to the council,--

(i) elect one of its councillors to be the Mayor; and

(ii) elect one of its councillors other than the Mayor to be the Deputy Mayor.

(2) A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

30. Term of office of Mayor and Deputy Mayor.-- (1) The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.

(2) On the occurrence of any vacancy in the office of Mayor or Deputy Mayor, the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

(3) A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be".

12. Insertion Of New Sections 50-B & 50-C :-

After Section 50-A of the 1981 Act, the following Sections shall be inserted, namely:--

"50-B. State Government to remove Mayor or Deputy Mayor.-- (1) The State Government may, by notification, remove a Mayor or a Deputy Mayor, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations made or lawful orders issued under this Act or abuses

the powers vested in him.

(2) The State Government shall, when they propose to take action under sub-section (1), give the Mayor or Deputy Mayor 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 the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or the expiry of one year from the date specified in such notification.

50-C. Motion of no-confidence in Mayor or Deputy Mayor.-- (1) Subject to the provisions of this Section, a motion expressing want of confidence in the Mayor or Deputy Mayor 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 in person to the commissioner by any two of the councillors signing the notice.

(3) The commissioner shall then convene a meeting for the consideration 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 commissioner shall preside at the meeting convened under this Section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the commissioner 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 commissioner under subsection (5).

(5) If the commissioner 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 commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate
- (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 commissioner 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 commissioner to the State Government.
- (12) If the motion is carried with the support of not less than three-fifth of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be.
- (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 Mayor or the Deputy Mayor 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 Mayor or a Deputy Mayor."

13. Insertion Of New Section 52-A :-

After Section 52 of the 1981 Act, the following Section shall be inserted, namely:--

"52-A. 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 council to be held immediately after the 14th day of July 2006, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors to be returned from such divisions shall be

the same as they exist on the 14th day of July 2006".

14. Amendment Of Section 68 :-

In Section 68 of the 1981 Act, in subsection (2), in clause (b), for the words "councillor or Mayor", the word "councillor" shall be substituted.

PART 5

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

15. Amendment Of Section 3 :-

In the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) (hereinafter in this Part referred to as the 1920 Act), in Section 3,--

(1) in clause (7-A), for the expression "Third Grade municipality", the expression "Third Grade municipality, town panchayat" shall be substituted;

(2) in clause (12-C), for the expression "Third Grade municipality", the expression "Third Grade municipality, the town panchayat" shall be substituted;

(3) for clause (18-A), the following clause shall be substituted, namely:-- "(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;";

(4) in clause (29-A), for the expression "Third Grade municipality", the expression "Third Grade municipality or town panchayat" shall be substituted;

(5) after clause (29-A), the following clause shall be inserted, namely -- "(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:".

16. Amendment Of Section 3-F :-

In Section 3-F of the 1920 Act, in sub-section (1), the expression " (exclusive of its Chairman)" shall be omitted.

17. Insertion Of New Chapter I-B :-

After Chapter I-A of the 1920 Act, the following Chapter shall be inserted.

"CHAPTER I-B

TOWN PANCHAYATS

3-O. Application of Chapter.-- This Chapter shall apply only to the town panchayats.

3-P. 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 sub-section (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.

3-Q. Constitution of town panchayats.-- (1) Save as provided under subsection (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, but shall not have the right to vote in the meetings, of the town panchayat.

3-R. 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.

3-S. 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.

3-T. 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 preceeding 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 sub-

section (1).

3-U. 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.-

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(a) before the expiry of its duration specified in sub-section (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

ELECTION AND TERM OF OFFICE OF MEMBERS

3-V. Election of members to town panchayat.-- The members of town panchayat referred to in sub-section (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.

3-W. 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 chairmen 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 chairmen 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 chairmen 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 chairmen of the town panchayats in the State:

Provided that the offices reserved under this sub-section and under subsection (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 chairmen under sub-section (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

3-X. 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.

3-Y. 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.

3-Z. 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.

3-AA. 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.

3-BB. 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.

3-CC. 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, up to the date on which their term of office 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).".

18. Amendment Of Section 7 :-

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

19. Omission Of Section 7-A :-

Section 7-A of the 1920 Act, shall be omitted.

20. Amendment Of Section 8 :-

In Section 8 of the 1920 Act,--

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

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

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

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

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

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

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

21. Amendment Of Section 9 :-

In Section 9 of the 1920 Act --

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

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

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

22. Amendment Of Section 12 :-

In Section 12 of the 1920 Act --

(1) before sub-section (3), the following sub-section shall be inserted, namely:--

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

(2) for sub-section (4), the following sub-section shall be substituted, namely:--

"(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."

23. Amendment Of Section 12-A :-

In Section 12-A of the 1920 Act, including the marginal heading, for the expression "vice-chairman", occurring in two places, the expression "chairman or vice-chairman " shall be substituted.

24. Substitution Of Section 14 :-

For Section 14 of the 1920 Act, the following Section shall be substituted, namely:--

"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."

25. Amendment Of Section 30 :-

In Section 30 of the 1920 Act --

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

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

26. Amendment Of Section 40 :-

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

27. Amendment Of Section 40-A :-

In Section 40-A of the 1920 Act,--

- (1) in the marginal heading, for the expression "vice-chairman", the expression "chairman or vice-chairman " shall be substituted;
- (2) in sub-section (1), for the expression "vice-chairman ", the expression "chairman or vice-chairman " shall be substituted;
- (3) in sub-section (12), for the expression "vice-chairman", the expression "chairman or vice-chairman, as the case may be" shall be substituted;
- (4) in sub-section (13), for the expression "vice-chairman", the expression "chairman or vice-chairman " shall be substituted;
- (5) in sub-section (14), for the expression "vice-chairman", the expression "chairman or vice-chairman, as the case may be" shall be substituted.

28. Omission Of Section 40-B :-

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

29. Insertion Of New Section 43-Aa :-

After Section 43-A of the 1920 Act, the following Section shall be inserted, namely:--

"43-AA. 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."

30. Amendment Of Section 43-B :-

In Section 43-B of the 1920 Act, including the marginal heading, for the expression "Third Grade Municipalities", the expression "Third Grade Municipalities and Town Panchayats " shall be substituted.

31. Amendment Of Section 43-C :-

In Section 43-C of the 1920 Act, in sub-section (2), for the words "councillor or chairman", the word "councillor" shall be substituted.

32. Amendment Of Section 48 :-

In Section 48 of the 1920 Act --

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

33. Amendment Of Section 49 :-

In Section 49 of the 1920 Act --

- (1) in sub-section (1), for the expression "chairman or councillor", the word "councillor" shall be substituted;
- (2) in sub-section (2),--
 - (a) for the expression "as a chairman or election as a councillor", the expression "as a councillor" shall be substituted;
 - (b) in clause (e), for the expression "chairman or a councillor", occurring in two places, the expression "a councillor" shall be substituted.

34. Amendment Of Section 50 :-

In Section 50 of the 1920 Act,--

- (1) in the marginal heading, for the expression "chairman or councillors ", the word "councillors " shall be substituted;
- (2) in sub-section (1),--
 - (a) in the opening part,--
 - (i) for the expression "the chairman or a councillor", the expression "a councillor" shall be substituted;
 - (ii) for the expression "Section 3-C", the expression, "Section 3-C or clauses (a) and (b) of sub-section (2) of Section 3-Q" shall be substituted;
 - (b) in clause (f), for the expression "of the chairman or any other councillor", the expression "of any other councillor" shall be substituted;
 - (c) in clause (i),--
 - (i) for the expression "the chairman or councillor", the word "councillor " shall be substituted;
 - (ii) in the proviso, the expression "chairman or" shall be omitted;
- (3) in sub-section (4), the expression "the chairman or", wherever it occurs, shall be omitted.

35. Amendment Of Section 51 :-

In Section 51 of the 1920 Act,--

- (1) in the marginal heading, for the expression "chairman or councillor", the word "councillor" shall be substituted;
- (2) in sub-section (1), for the expressions "the chairman or a councillor", "the chairman or any councillor" and "such chairman or councillors", the expressions "a councillor", "any councillor" and "such councillor" shall respectively, be substituted;
- (3) in sub-section (3), for the expression "chairman or the councillor", the word "councillor" shall be substituted.

36. Amendment Of Section 368 :-

In Section 368 of the 1920 Act,--

- (1) in sub-section (2), for the expression "chairman and councillors" the word "councillors" shall be substituted;
- (2) in sub-section (3), after the expression "until a chairman has been elected", occurring in two places, the expression "by the council" shall be inserted;
- (3) in sub-section (5), for the expression "chairman and councillors", the word "councillors" shall be substituted;
- (4) in sub-section (6), for the expression "office of chairman and councillors", the expression "office of councillors" shall be substituted.

37. Repeal And Saving :-

- (1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2006 (Tamil Nadu Ordinance 4 of 2006) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), as amended by this Act."