



The Tamil Nadu Municipal Councils (Appointment of Special Officers) Act,
1976

Act 28 of 1976

Keyword(s):

Councilor, District Municipalities Act

Amendments appended: 7 of 1985, 8 of 1986

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PRESIDENT'S ACT NO. 28 OF 1976.*

**THE TAMIL NADU MUNICIPAL COUNCILS
(APPOINTMENT OF SPECIAL OFFICERS)
ACT, 1976.**

[Received the assent of the President on the 25th June 1976,
first published in the Tamil Nadu Government Gazette
Extraordinary on the 25th June 1976 (Ani 11, Nala
(2007-Tiruvalluvar Aandu)).]

Enacted by the President in the Twenty-seventh Year
of the Republic of India.

**An Act to provide for appointment of Special Officers
to Municipal Councils in the State of Tamil Nadu.**

In exercise of the powers conferred by section 3 of the
Tamil Nadu State Legislature (Delegation of Powers)
Act, 1976 (41 of 1976), the President is pleased to enact as
follows :—

1. (1) This Act may be called the Tamil Nadu **Short title**
Municipal Councils (Appointment of Special Officers) **and commen-**
Act, 1976. **cement.**

(2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— **Definitions.**

(a) “councillor” shall have the meaning assigned
to it in section 38 of the Madras City Municipal Corporation
and Tamil Nadu District Municipalities (Amendment
and Extension of term of office) Act, 1971 (Tamil Nadu
Act 22 of 1971) ;

(b) “District Municipalities Act” means the Tamil
Nadu District Municipalities Act, 1920 (Tamil Nadu Act
V of 1920) ;

(c) words and expressions used and not defined
in this Act but defined in the District Municipalities Act
shall have the meanings respectively assigned to them in
that Act.

*For Reasons for the enactment, see *Tamil Nadu Government Gazette*
Extraordinary, dated the 25th June 1976, Part IV—Section 2, Pages
236-237.

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Term of office of Councillors of the Municipal Councils to expire on the 30th day of June 1976.

3. Notwithstanding anything contained in section 40 of the Madras City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971), the term of office of the councillors of all the Municipal Councils in the State of Tamil Nadu, holding office as such on the date of commencement of this Act, shall expire on the 30th day of June, 1976 and accordingly, all such councillors of all Municipal Councils, including the chairmen and vice-chairmen of such Municipal Councils and members of the Committees established or constituted by or under the District Municipalities Act shall vacate their office on the 30th day of June, 1976.

Appointment of Special Officers to exercise the powers and perform the functions of Municipal Councils.

4. (1) (a) Notwithstanding anything contained in the District Municipalities Act, the State Government shall appoint Special Officers to exercise the powers and perform the functions of the Municipal Councils referred to in section 3, of the chairmen of such Municipal Councils and of the Committees established or constituted by or under the District Municipalities Act.

(b) A Special Officer may be appointed under clause (a) for one or more Municipal Councils as the State Government may, by order, specify.

(2) Each Special Officer referred to in sub-section (1) may also exercise all or any of the powers and perform all or any of the functions of the executive authority or any other officer or authority under the District Municipalities Act, which the State Government may, by notification, specify.

(3) (a) Each Special Officer shall hold office ¹[for a period of seven years and nine months] on and from the first day of July, 1976:

¹ These words were substituted for the words "for a period of six years and nine months" by section 2 (i) of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1983 (Tamil Nadu Act 12 of 1983). [The words "for a period of six years and nine months", "for a period of five years and nine months", "for a period of four years and nine months", "for a period of four years and three months", "for a period of three years and three months", "for a period of two years and three months" and "for a period of one year and six months" were earlier substituted for the words "for a period of five years and nine months", "for a period of four years and nine months", "for a period of four years and three months", "for a period of three years and three months", "for a period of two years and three months", "for a period of one year and six months" and "for a period of one year" respectively by section 2 (i) of Tamil Nadu Acts 16 of 1982, 15 of 1981, 25 of 1980, 58 of 1979, 6 of 1979, 14 of 1978 and 2 of 1977].

Provided that if any vacancy arises in the post of a Special Officer, the vacancy shall be filled up by the State Government and the person appointed in the vacancy shall hold office for the remainder of ¹[the said period of seven years and nine months]:

²[Provided further that the State Government may, by notification, for sufficient cause direct that the term of a Special Officer be reduced by such period, not exceeding ³[six months], as may be specified in such notification.]

(b) A Special Officer shall receive payment for his services from the municipal fund constituted under section 119 of the District Municipalities Act.

(c) The State Government may determine the relations of a Special Officer with themselves.

(4) The executive authority shall, in the exercise of the powers and performance of the functions under the District Municipalities Act, be subject to the control and superintendence of the Special Officer.

¹ These words were substituted for the words "the said period of six years and nine months" by section 2 (ii) of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1983 (Tamil Nadu Act 12 of 1983). [The words "the said period of six years and nine months", "the said period of five years and nine months", "the said period of four years and nine months", "the said period of four years and three months", "the said period of three years and three months", "the said period of two years and three months" and "the said period of one year and six months" were earlier substituted for the words "the said period of five years and nine months", "the said period of four years and nine months", "the said period of four years and three months", "the said period of three years and three months", "the said period of two years and three months", "the said period of one year and six months" and "the said period of one year" respectively by section 2 (ii) of Tamil Nadu Acts 16 of 1982, 15 of 1981, 25 of 1980, 58 of 1979, 6 of 1979, 14 of 1978 and 2 of 1977].

² This proviso was inserted by section 2 (iii) of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1977 (Tamil Nadu Act 2 of 1977), which was deemed to have come into force on the 30th June 1977.

³ These words were substituted for the words "three months" by section 2 (iii) of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1981 (Tamil Nadu Act 15 of 1981). [The words "three months" were earlier substituted by section 2 (ii) of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1980 (Tamil Nadu Act 25 of 1980) for the words "six months" which in turn were substituted for the words "three months" by section 2 (iii) of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Second Amendment Act, 1979 (Tamil Nadu Act 58 of 1979), which was deemed to have come into force on the 29th September 1979.]

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 1st April 1985 and is hereby published for general information:—

ACT No. 7 OF 1985.

An Act further to amend the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1976.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1985.

(2) It shall be deemed to have come into force May 1984.

2. *Amendment of section 4, President's Act 28 of clause (a) of sub-section (3) of section 4 of the Municipal Councils (Appointment of Special Officers) (President's Act 28 of 1976) (hereinafter referred to as the Act),—*

(i) for the words “for a period of eight years”, “for a period of nine years and six months” shall be substituted;

(ii) in the first proviso, for the words “the said eight years”, the words “the said period of nine years and six months” shall be substituted;

(iii) in the second proviso, for the words “two months” the words “three months” shall be substituted.

3. *Repeal and saving.*—(1) The Tamil Nadu Municipal Councils (Appointment of Special Officers) Third Amendment Ordinance, 1984 (Tamil Nadu Ordinance 21 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 8th February 1986 and is hereby published for general information :—

ACT No. 8 OF 1986.

An Act further to amend the Tamil Nadu Municipal Councils (Appointment of Special Officer) Act, 1976.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Municipal Councils (Appointment of Special Officers) Amendment Act, 1986.

(2) It shall be deemed to have come into force on the 27th November 1985.

2. *Amendment of section 4, President's Act 28 of 1976.*—In clause (a) of sub-section (3) of section 4 of the Tamil Nadu Municipal Councils (Appointment of Special Officers) Act, 1976 (President's Act 28 of 1976) (hereinafter referred to as the principal Act),—

(i) for the words “for a period of nine years and six months”, the words “for a period of nine years and nine months” shall be substituted;

(ii) in the first proviso, for the words “the said period of nine years and six months”, the words “the said period of nine years and nine months” shall be substituted.

3. *Repeal and saving.*—(1) The Tamil Nadu Municipal Councils (Appointment of Special Officers) Second Amendment Ordinance, 1985 (Tamil Nadu Ordinance 11 of 1985) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

(By order of the Governor.)

S. VADIVELU,
Commissioner and Secretary to Government,
Law Department.