The Tamil Nadu Municipal Authorities (Term of Office and Election of Councilors) Act, 1963

Act 22 of 1963

Keyword(s):
Casual Vacancy, Corporation Act, Councilor, Extension of Term of Office Act, Government, Municipal Authority, Municipalities Act, Ordinary Vacancy

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[1][TAMIL NADU] ACT No. 22 OF 1963.[2]

THE [1][TAMIL NADU] MUNICIPAL AUTHORITIES (TERM OF OFFICE AND ELECTION OF COUNCILLORS) ACT, 1963.

[*Received the assent of the Governor on the 29th November 1963, first published in the* Fort St. George Gazette *Extraordinary on the 30th November 1963 (Agrahayana 9, 1885).*]

An Act to provide for determining the term of office of councillors of, and for holding elections of councillors to, the Municipal Corporation of Madras and the Municipal Councils in the [3][State of Tamil Nadu].

BE it enacted by the Legislature of the [3][State of Tamil Nadu] in the Fourteenth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the [1][Tamil Nadu] Municipal Authorities (Term of Office and Election of Councillors) Act, 1963.

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

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated the 11th November 1963, Part IV—Section 3, pages 281—282.

[3] This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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

(1) "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;

(2) "Corporation Act" means the Madras City Municipal Corporation Act, 1919 ([1][Tamil Nadu] Act IV of 1919);

(3) "councillor" means a councillor of a municipal authority;

(4) "Extension of Term of Office Act" means the [1][Tamil Nadu] Local Authorities (Extension of Term of Office of Members) Act, 1962 ([1][Tamil Nadu] Act 12 of 1962);

(5) "Government" means the State Government;

(6) "municipal authority" means the Municipal Corporation of Madras or a municipal council;

(7) "Municipalities Act" means the [1][Tamil Nadu] District Municipalities Act, 1920 ([1][Tamil Nadu] Act V of 1920);

(8) "ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy.

3. Notwithstanding anything contained in the Corporation Act, the Municipalities Act or the Extension of Term of Office Act,— Determination of term of office and election of councillors.

(*a*) the term of office of the councillors of any municipal authority as a whole which has been extended by section 3 of the Extension of Term of Office Act shall expire on such date as the Government may, by notification, specify in this behalf:

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[1] These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Provided that the date specified in such notification may, for sufficient cause, be cancelled or modified by the Government, by notification ;

(*b*) the next ordinary elections to fill ordinary vacancies in the office of councillors shall be held to such municipal authority and the newly elected councillors may come into office on such date as may be fixed by the Government, by notification, but such date shall be subsequent to the date of expiry of the term of office of the councillors specified under clause (*a*) :

Provided that the date so fixed may, from time to time, be advanced or postponed to another date, by the Government, by notification ;

(*c*) the term of office of the councillors newly elected under clause (*b*) shall expire at noon on the first day of November immediately succeeding the expiry of three years from the date on which such councillors come into office :

Provided that the Government may, from time to time, by notification, for sufficient cause, direct that the term of office of such councillors as a whole be extended or reduced by such period as may be specified in the notification but such period or periods shall not, in the aggregate, exceed [1][two years] ;

(*d*) elections may be held to any municipal authority to be newly constituted or reconstituted under the Municipalities Act and the provisions of clauses (*b*) and (*c*) shall, so far as may be, apply to the first elections to be so held ;

(*e*) casual election may be held to fill any casual vacancy in the office of a councillor of a municipal authority occurring after the holding of elections referred to in clause (*b*) or clause (*d*), as the case may be ;

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[1] These words were substituted for the word "one year" by section 2 (1) of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968).

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[1][(f) *** *** ***]

[2][4-5. *** *** ***]

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[1] The following clause was omitted by section 2 (2) of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968):—

"(*f*) after the date on which the newly elected councillors of the council under the Corporation Act come into office under clause (*b*),—

(i) the election of Mayor, Deputy Mayor, members of the corporation accounts committee (other than the Mayor) and members of the licence appeals committee shall be held at the first meeting of the council ;

(ii) the election of chairman of the central committee or the corporation accounts committee or the licence appeals committee shall be held at the first meeting of such committee ;

(iii) the election of chairman of a circle committee and the election of one of its members to the central committee shall be held at the first meeting of such circle committee."

[2] The following sections were omitted by section 3 of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968):—

"4. *Strength of municipal council, reservation of seats therein and division of municipality into wards.*—Notwithstanding anything contained in the Municipalities Act, the existing strength of every municipal council, the existing reservation of seats in the Municipal council and the existing division into wards of the Municipality concerned shall be the same for the purposes of holding the next ordinary elections referred to in clause (*b*) of section 3 and the first elections referred to in clause (*d*) of section 3.

5. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order do anything which appears to them necessary for the purpose of removing the difficulty."

[1][Commencement of notifications and placing them before the Legislature].

6. [2][(1) 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.]

[3][(2)] Every [4][***] notification issued under this Act shall, as soon as possible after it is issued, be placed on the table of both Houses of the 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 [4][***] notification or both Houses agree that the [4][***] notification should not be issued, the [4][***] 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 annulment shall be without prejudice to the validity of anything previously done under that [4][***] notification.

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[1] This marginal heading was substituted for the marginal heading "Orders and notifications to be placed before the Legislature" by section 4 (1) of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968).

[2] This sub-section was inserted by section 4 (2) of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968).

[3] Section 6 was renumbered as sub-section (2) of that section by section 4 of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968).

[4] The words "order or" were omitted by section 4(3) of the Tamil Nadu Municipal Authorities (Term of Office and Election of Councillors) Amendment Act, 1968 (Tamil Nadu Act 11 of 1968).

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