THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

(TAMIL NADU ACT V OF 1920)

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THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920

(Tamil Nadu Act V of 1920)

An Act to consolidate and amend the law relating to District Municipalities.

Preamble .— WHEREAS it is expedient to consolidate and amend the law relating to District Municipalities in the [1][State of Tamil Nadu] 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 I

CHAPTER I

PRELIMINARY

1. Title and extent .— (1) This Act may be called the [2][Tamil Nadu] District Municipalities Act, 1920.

[3][(2) It extends to the whole of the [1][State of Tamil Nadu], except the City of [4][Chennai].

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 Repeal of enactments .—The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof.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 [5][(1)*****]

---

1. Substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.
2. 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, which came into force on the 14th January 1969.
3. Substituted for the original sub-section by Section 3 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Substituted for the word "Madras" by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996))
5. This clause was omitted by Tamil Nadu District Municipalities (Amendment) Act, 1973 (Tamil Nadu Act 17 of 1973).

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[1][(1-B)] **'Appoint'** includes to appoint temporarily or in an officiating capacity ;

(2) **'Appointment'** includes temporary and officiating appointments ;

[2][(2-A)****]

[2]["(2-A) "area sabha" means, in relation to an area, the body of all the persons registered in the electoral rolls pertaining to all polling booths in the area:"][2]

(3) **'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'** 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;

[3][(5) **'Carriage'** means any wheeled vehicle with springs 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, 19l4;

(6) '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[4]] ;

(7) **'Casual vacancy'** means a vacancy occurring otherwise than by efflux by time [5][***] and **'casual election'** means an election held on the occurrence of a casual vacancy;

[6][(7-A) **"Chairman"** means the Chairman of the [7][**Third Grade Municipality**], [8]**[Town Panchayat**] or the Municipality, as the case may be;]

[9][(8) **'Company'** means a Company as defined in the Indian Companies Act, 1913 (Central Act VII of 1913)*, or. formed in pursuance of an Act of Parliament [10][of the United Kingdom] or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or

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1. Clause (1) of the original section was re-numbered as clause (1-B) by Section 4 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930)
2. Clause (2-A) was inserted by the Tamil Nadu District Municipalities Act, 1995 (Tamil Nadu Act 34 of 1995)and omitted by the Tamil Nadu Municipal Laws (Second Amendment)Act,1996(Tamil Nadu Act 17 of 1996) and newly inserted by Act 35 of 2010
3. Substituted for the original clauses by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
4. *See* now, the Motor Vehicles Act, 1988 (Central Act 59 of 1988).
5. The words "in the office of an elected Councillor, Vice-Chairman or Chairman" were omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. Inserted by Tamil Nadu District Municipalities (Amendment) Act, 1994 (25 of 1994)
7. Substituted for the words "Town Panchayat" by Tamil Nadu Act 24 of 2004.
8. The words `Town Panchayat' added by Tamil Nadu Act 18 of 2006.
9. This clause was substituted for the original clause by Section 4(iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930.
10. These words were inserted by the Adaptation (Amendment) Order of 1950.

* See now the Companies Act, 1956 (Central Act I of 1956).

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association carrying on business in the [1][State of Tamil Nadu] whether incorporated or not and whether its principal place of business is situated in the [2][said State] or not]

[3](8-A) **'drain'** means a rain or storm water drain and water tables, chutes and the said drain exclusively meant to drain away the rain water falling on the surface of any street, bridge or causeway, but does not include a drain or sewer within the meaning of the [4][Chennai] Metropolitan Water Supply and Sewerage Act, 1978];(Tamil Nadu Act 28 of 1978)

[5][(8-AA) **'Election authority'** means such authority not being the Chairman or Vice-Chairman or a Councillor as may be prescribed] ;

[5][(8-B) **'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 [6][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]

[7][(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] ;

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

[8][(9-A) **`Finance Commission'** means the Commission referred to in Section 124-B ;]

(10) 'Hill station' means a place specified in Schedule II and includes any other place which may be notified by the [9][State] Government as a hill station ;

(11) 'Hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever

---

1. Substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970.
2. These words were substituted for the words "said Presidency" by *ibid.*
3. Inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1978 (Tamil Nadu Act 23 of 1978)
4. Substituted for the word "Madras" by the City of Madras (Alteration of Name Act, 1996 (Tamil Nadu Act 28 of 1996))
5. Clauses (8-AA) and (8-B) were inserted by Section 4(iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. Substituted for the words "State of India" by Section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1967 (Tamil Nadu Act XXV of 1967).
7. Substituted by Tamil Nadu Act of 23/1978.
8. Added by The Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
9. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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size or any small building of whatever material made which the Council may declare to be a hut for the purposes of this Act;

[1][(11-A) **'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.]

[2][(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 this Act;]

(12) **'Latrine'** includes privy, water-closet and urinal;

[3](12-A)[***]

[4][(12-B) **'Local authority'** includes a Cantonment authority] ;

[2][(12-C) **'Municipal Council'** means the Council of the Third Grade Municipality [5][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 defined in clause (2) of Article 243 Q of the Constitution;]

(13)**'Municipal office'** means the principal office of any Municipal Council;

(14) **'Nuisance'** includes any act, omission, place or thing 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'** 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;

[6][(16) **'Ordinary vacancy'** means a vacancy occurring by efflux of time and means an election held on the occurrence of an ordinary vacancy] ;

(17) **'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

---

1. This clause was inserted by Section 4(v) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. Added by The Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
3. Clause (12-A) was omitted by the Adaptation Order of 1937.
4. This clause was inserted by Section 4 (vi) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. The word `Town Panchayat' added by Tamil Nadu Act 18 of 2006.
6. This clause was substituted for the original clause by Section 4(vii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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or receiver for another person, or for any religious or charitable purpose the rent or profits of the property, in connexion with which the word is used, and *(b)* the person for the time being in charge of the animal or vehicle, in connexion with which the word is used ;

(18)**'Palanquin'** includes tonjons, 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) [1]**["Panchayat Town"** means an area in transition from a rural area to an urban area classified as Panchayat Town under Section 3P ;

(19) **'Prescribed'** means prescribed by the [2][State Government] by rules made under this Act;

(20) **'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'** means any street, road, square, court, alley, passage or riding-path [3][over which the public have a right of way] whether a thoroughfare or not, and include —

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

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

(c) the drains attached to any such street, public bridge or causeway and the 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 [4][the Government] ;

(22) **'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'** includes a tramway;

---

1. Substituted by Tamil Nadu Act 18 of 2006.
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the words "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. These words which occurred after the words "whether a thoroughfare or not" were placed before those words by Section 4 (viii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The words the Crown" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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(24) **'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 or a place of public worship or factory, as the case may be ;

(25) `Residence', 'Reside' .— 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 [1][return to such house] at any time and has not abandoned his intention of returning ;

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

(27) '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' means a person employed in collecting or removing filth, in cleaning drains or slaughter-houses or in driving carts used for the removal of filth;

[2][(28-A) **'Scheduled Castes'** shall have the same meaning as in the Constitution ;

1. These words were substituted for the words "return thereto" in the original clause by Section 4 *(ix)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930) (Tamil Nadu Act X of 1930).
2. Substituted for clause (28-A) by the Tamil Nadu Municipalities (Amendment) Act, 1973 (Tamil Nadu Act 17 of 1973).

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

[1][(28-C) [2]**"[Tamil Nadu] State Election Commission"** means the State Election Commission referred in Section 43-B;

(28-D) [2]**"[Tamil Nadu] State Election Commissioner"** means the [2][Tamil Nadu State Election Commissioner] referred to in Section 43-B;]

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

(29-A) [3]**[“Third Grade Municipality or 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,]

[4][(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.

*[5][“(29-B) **“Ward committee”** means the ward committee referred to in section 24-C;*
*(29-BB)“**Wards committee”** means the wards committee referred to in section 24-B;”]9*

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

(31) '**Year**' means the financial year.

[6][CHAPTER I-A.

[3]**[THIRD GRADE MUNICIPALITIES]**

3-A. Application of Chapter .—This Chapter shall apply only to the [2][Third Grade Municipalities.]

3-B. Formation of [3][Third Grade Municipalities] .— (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 [7][thirty thousand] as a [8][Transitional Area] for the purposes of this Act; and

---

1. Clases (28C) and (28D) were inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994)
2. Substituted by Tamil Nadu Act 22 of 2001.
3. Substituted for the words "town Panchayat" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004) and again substituted for “Third Grade Municipalities” by Tamil Nadu Act 18 of 2006
4. Inserted by Tamil Nadu Act 18 of 2006.
5. Substituted for clause (29B) by Act 35 of 2010 (29.10.2010)
6. Chapter I-A (Sections 3-A to 3-N) was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
7. Amended by Tamil Nadu Act 24 of 2004.
8. Substituted for the words "Panchayat town" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).

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(b) shall, by notification, specify the name of such [1][Third Grade Municipality] :

(2) In every [2][Transitional area] declared as such under sub-Section (1), there shall be established a [1][Third Grade Municipality].

(3) (a) The Governor may, by notification, exclude from a [2][Transitional area] any area comprised therein, provided that the population of the [2][transitional area] after such exclusion, is not less than [3][thirty 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 [2][transitional area] if it has a population of not less than [3][thirty thousand] or if its population is less than [3][thirty thousand], include it in any contiguous [1][transitional area] under clause *(c) (i) ;*

(c) The Governor may, by notification -

(i) include in a [2][transitional area] any local area contiguous thereto;

or

(ii) cancel or modify a notification issued under sub-section (1) ; or

(iii) alter the, name of the [2][transitional area] 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 [1][Third Grade Municipality] or [1][Third Grade Municipalities] 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 [1][Third Grade Municipality] or [1][Third Grade Municipalities].

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

3-C. Constitution of [1][Third Grade Municipalities] .—(1) Save as provided under sub-section (2), every [1][Third Grade Municipality] shall consist of the elected members as determined under Section 3-J.

(2) The following persons shall also be represented in the [1][Third Grade Municipality], namely :—

1. Substituted for the words "Town Panchayat " by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
2. Substituted for the words "Panchayat town" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
3. Substituted for the words "five thousand" by Tamil Nadu Act 23 of 2004.

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[1][(a) * * *]

(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 [2][Third Grade Municipality] ; and

(c) the members of the Council of States who are registered as electors within the area of the [2][Third Grade Municipality].

. (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 [2][Third Grade Municipality] ".

3-D. Incorporation of [2][Third Grade Municipality] .— (1) A [2][Third Grade Municipality] shall be constituted for each [3][transitional area] 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 [3][transitional area] shall vest in the [2][Third Grade Municipality], but the [2][Third Grade Municipality] 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 [2][Third Grade Municipality] shall be a body corporate by the name of the [3][transitional area] 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.

3-E. Alteration of classification of [3][transitional area] .— (1) The Governor may alter any classification, notified under sub-section (1) of Section 3-B, if in his opinion, the [3]**[transitional area]** 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-F. Strength of a [2][Third Grade Municipality] .- (1) Notwithstanding anything contained in this Act, the total number of members of a [2][Third Grade

1. Clause (a) was omitted by Tamil Nadu Act 3 of 1997 w.e.f. 14-8-1996.
2. Substituted for the words "town Panchayat " by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
3. Substituted for the words "Panchayat town" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004)

Municipality] [1][***] 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 [2][Third Grade Municipality] to be held immediately after the commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994, the provisional population figures of the [2][Third Grade Municipality] as published in relation to 1991 census shall be deemed to be the population of the [2][Third Grade Municipality] as ascertained in that census.

(2) The Inspector may, from time to time, by notification, alter the total number of members of a [2][Third Grade Municipality] notified under sub-section (1).

3-G. Duration of [2][Third Grade Municipality] .— (1) Every [2][Third Grade Municipality] 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 [2][Third Grade Municipality].

(2) An election to constitute a [2][Third Grade Municipality] shall be completed ,-

(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 [2][Third Grade Municipality] would have continued is less than six months, it shall not be necessary to hold any election for constituting the [2][Third Grade Municipality] for such period.

[3][3-GG 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 [2][Third Grade Municipality], 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 [2][Third Grade Municipality], until the day on which the first meting of the said [2][Third Grade Municipality] is held after election to the said [2][Third Grade Municipality].

(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.

[4][3-GGGAppointment 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 Koothappar Town Panchayat in Tiruchirappalli

1. The words "exclusive of Chairman" Omitted by Tamil Nadu Act 18 of 2006.
2. Substituted for the words "town Panchayat " by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
3. Inserted by Tamil Nadu Act 4 of 2002.
4. Inserted by Tamil Nadu Act 35 of 2006.(with effect from 25.10.2006)

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District, which could not be constituted on the 25th day of October 2006, 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 Town Panchayat, until the day on which the first meeting of the said Town Panchayat] is held after election to the said Town 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.]

ELECTION AND TERM OF OFFICE OF MEMBERS

3-H. Election of members to [1][Third Grade Municipality].—The members of [1][Third Grade Municipality] 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 [1][Third Grade Municipality].

3-I. Reservation of seats.— (1) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in every [1][Third Grade 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 election in that [1][Third Grade Municipality] as the population of the Scheduled Castes in the [1][Third Grade Municipality] area or of the Scheduled Tribes in that [1][Third Grade Municipality] 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][***]

(3) Seats shall be reserved for women in the [1][Third Grade 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 the [1][Third Grade Municipality].

(4)(a) The offices of the Chairpersons of the [2][Third Grade Municipalities] 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 [2][Third Grade Municipalities] in the State or the Scheduled Tribes in all the [1][Third Grade Municipalities] in the State, bears to the total population of all the [1][Third Grade Municipalities] in the State.

(b) The offices of Chairpersons of the [1][Third Grade Municipalities] shall be reserved for women belonging to the Scheduled Castes and the Scheduled

1. Substituted for the words "Town Panchayat " by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
2. Substituted for the words "Town Panchayats" by *ibid.*
3. Sub-sections 2 (a) and 2 *(b)* inserted by the Tamil Nadu Act 34 of 1995 and Omitted by the Tamil Nadu Act 17 of 1996.

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 Chairpersons of the [1][Third Grade Municipalities] 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 Chairpersons of the [1][Third Grade Municipalities] in the State :

Provided that the offices reserved under this [2][sub-section] and under sub-section (4) shall be allotted by rotation to different [1][Third Grade Municipalities] in such manner as may be prescribed.

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

3-J. Division of [3][Third Grade Municipality] into Wards.— (1) For the purpose of election of Councillors to a [1][Third Grade Municipality], the Inspector shall, after consulting the [1][Third Grade Municipality], by notification divide the [2][transitional area] 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.

3-K. Term of office of members.— (1) Except as otherwise provided in this Act, members of every [1][Third Grade Municipality] 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 [1][Third Grade Municipality] after such ordinary election.

(3) The member of a [1][Third Grade Municipality] 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-L. Electoral roll.— (1) The electoral roll of a [1][Third Grade Municipality] 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 [3][transitional area] and shall be deemed to be the electoral roll for such [1][Third Grade Municipality] 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 [1][Third Grade Municipality] and before the

1. Substituted for the words "town Panchayat " by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
2. Amended by Tamil Nadu Act 34 of 1995 and 17 of 1996.
3. Substituted for the words "Panchayat Town" by Tamil Nadu Act 24 of 2004.

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notification of the result of such election, shall form part of the electoral roll for such election, for the purposes of this section.

3-M. Application of the Act to [1][Third Grade Municipalities].—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 [2][transitional area] shall apply to that [3][Third Grade Municipality] to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

[4][3-MM. Special provisions relating to Village Panchayat constituted as Third Grade Municipality.— (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 Third Grade Municipality under this Act, shall be deemed to be the Chairman and members of such Third Grade Municipality 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, upto 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 Third Grade Municipality, shall be the employees of such Third Grade Municipality under this Act. The provincialised employees shall continue to serve under the Third Grade Municipality and they shall be transferred by the Director of Rural Development within three months from the date on which such Third Grade Municipality is constituted under this Act.

(2) Subject to the provisions of sub-section (1), the provisions of this Act and the rules made thereunder shall apply to the Third Grade Municipality referred to in sub-section (1)],

3-N. 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.

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1. Substituted for the words "Town Panchayats" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
2. Substituted for the words "Panchayat Town" by *ibid.*
3. Substituted for the words "Town Panchayat" by *ibid.*
4. Inserted by the Tamil Nadu 'District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).

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(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.

[1][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 not 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.

1. Chapter I-B inserted by Tamil Nadu Act 18 of 2006.

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3-Q. 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 State referred to in clauses (a) and (b) of subsection 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.

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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 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 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 ,-

(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 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 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.

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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, upto 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)]

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PART II
ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF DISTRICT MUNICIPALITIES
CHAPTER II
CREATION AND ABOLITION OF MUNICIPALITIES

4. Creation of Municipalities .—[1][(l) The Governor may, having regard to the population of the area, the density of population therein, the revenue generated for local administration, the percentage of employment in 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 a 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 [2][the Governor] within six weeks from the publication of the notification and [2][the Governor] shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired, and [2][the Governor he may] 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 from or include 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 in the notification under sub-section (3).

[3][(5) If any local area in which the [4][Tamil Nadu] Local Boards Act, 1920[5] (Tamil Nadu Act XIV of 1920) is in force is, constituted as or included

1. Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994)
2. Substituted for the expression "the State Government may by notification declare their intention" by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
3. This sub-section was substituted for the original sub-section by Section 5 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. 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, which came into force on the 14th January 1969.
5. Now, the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920), which Act stands repealed in the panchayat development blocks by virtue of Section 13 (i) of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu XXXV of 1958).

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in a Municipality, [1][the Governor] may pass such orders as he may deem fit as to the transfer to the Council of such Municipality or disposal otherwise of the assets or institutions of any local Board[2] in the local area and as to the discharge of the liabilities, if any, of such local board[2] relating to such assets or institutions.]

[3][(6) the State Government may, by notification, classify Municipalities into Special Grade, Selection Grade, First Grade and Second Grade, for the purpose of effective administration of the said Municipalities in accordance with such norms as may be prescribed.]

[4][4-A. **Townships .—** [5][(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 Township.]

(2) In regard to any Municipality or any area declared to be a township under sub-section (1), the [1][Governor] shall, by notification, constitute a Township Committee.

(3) A notification issued by the [1][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 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 [1][Governor] may, by notification, direct that any of the provisions of this Act or of any rules made there under or of any other enactment for the

1. Substituted for the words "State Government" by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
2. Now, the district Board.
3. Inserted by Tamil Nadu Act 23 of 2004.
4. This section was inserted by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1959 (Tamil Nadu Act 19 of 1959).
5. Sub-section (1) was substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).

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time being in force elsewhere in the [2][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 modifications, 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 [1][Governor] may, as occasion may arise, by order, do anything which appears to them necessary for the purpose 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 [3][the Legislature Assembly] 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.

[6][***]

[4]**[4-B. Declaration of a township to be a Municipality.— [5][(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 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]**[5. Duration of Municipality.—(1)** Every Municipality, unless sooner dissolved under Section 41, 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 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 Municipality would have continued, 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.]

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1. Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
2. This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws order, 1970, which was deemed to have come into force on the 14th January 1969.
3. Substituted for the words "both Houses of the Legislature" by Tamil Nadu Adaptation of Laws Order, 1987.
4. Section 4-B was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1990 (Tamil Nadu Act 33 of 1990).
5. Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
6. Explanation in sub-section (5) omitted by *ibid.*

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CHAPTER III

CONSTITUTION OF MUNICIPAL AUTHORITIES

AUTHORITIES

6. The Municipal Authorities and their incorporation .—[1]**[(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 of its constitution.

7. Constitution of Council .— (1)The Municipal Council shall consist of such number of Councillors [2][***] 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.

[3][(2) Save as provided in sub-section (3), every Municipality shall consist of the following elected members as notified under sub-section (1).

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

[4][(a) ***]

[5][****]

(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

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1. This section was substituted for the original sub-section by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. The word "exclusive of its Chairman" were omitted by Tamil Nadu Act 18 of 2006.
3. Sub-sections (2) to (10) substituted by Tamil Nadu Act 25 of 1994.
4. Clause (a) of sub-section 3 omitted by Tamil Nadu Act 3 of 1997.
5. Proviso to clause (a) omitted by Tamil Nadu Act 22 of 1996.

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(c) the members of the Council of State who are registered as electors within the area of the Municipality.

[1][(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 of the Scheduled Tribes in that municipal area, bears to the total 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 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.

[2][***]

(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 bear 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 the 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

1. Amended by Tamil Nadu Act 22 of 1996.
2. Sub-sections 6 (a) and 6 (b) were inserted by Tamil Nadu Act 34 of 1995 and omitted by Tamil Nadu Act 17 of 1996.

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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 number of offices reserved for women belonging to 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 reserved under this sub-section and under subsection (8) 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 reservations of offices of Chairpersons under sub-section (8) shall cease to have effect on expiration of the period specified in Article 334 of the Constitution].

[1][7-A. ***]

7-B to 7-F. [2][***]

8. Term of [3][***] **Councillors and filling up of seats .—** [4][(1) The term of office of [5][***] Councillors shall, save as otherwise expressly provided in this Act, be [6][five years], beginning and expiring at noon on such date as the State Government may, by notification, appoint in that behalf.[7][***]

[8][****]

[9][(2) Ordinary vacancies in the office of Councillors shall be filled 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.]

[10][***]

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1. Section 7-A was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1978 (Tamil Nadu Act 23 of 1978). and omitted by Tamil Nadu Act 18 of 2006, before omission it was as under :-
   7-A. Election of Chairman.- shall be elected by the persons whose names appear in the electoral rolls relating to the municipality from among themselves in accordance with such procedure as may be prescribed: -Provided that a person who stands for election as chairman shall not be eligible to stand for election as a councilor:-Provided further that a person who stands for election as a councillor shall not be eligible to stand for election as chairman:
   Provided also that no coucillor shall be eligible to stand for election as chairman
2. Sections 7-B to 7-F were inserted by Tamil Nadu Act 24 of 1983 and omitted by Tamil Nadu Act 25 of 1985.
3. The words "Chairman or" added by Tamil Nadu Act 23 of 1978 and omitted by Tamil Nadu Act 18 of 2006.
4. This paragraph was substituted for the first paragraph in sub-section (1) of Section 8 by Section 3 (i) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act 1968 (Tamil Nadu Act 10 of 1968).
5. The words "Chairman and" substituted by Tamil Nadu Act 22 of 1996 and omitted by Tamil Nadu Act 18 of 2006.
6. Substituted by Tamil Nadu Act 4 of 1989.
7. The words "and different dates may be appointed for different Municipal Councils" were omitted by Tamil Nadu Act 25 of 1994.
8. Proviso to sub-section (2) of Section 8 omitted by *ibid.*
9. This section was substituted for the original sub-section (2) by Section 14(ii) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
10. This sub-section was inserted by Section 7 (iv) of the Tamil Nadu District Municipalities (Amendment)Act,1930 (Tamil Nadu Act X of 1930) and omitted by Tamil Nadu Act 18 of 2006.

[1][(3) [2][***] 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.]

[3][(4) A casual vacancy in the office [2][***] a Councillor shall be filled at a 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.

[4][***]

[5][(5)] [2][***] a Councillor elected [6][***] at a casual vacancy shall enter upon office forthwith, but shall hold office so long as the [2][***] Councillor elected in whose place he is elected [6][***] would have been entitled to hold office if the vacancy had not occurred.

[7][(6) ***]

[8]**[9. Procedure when no** [2][***] **Councillor is elected.—** (1) If at an ordinary or casual election held under Section 8, no [2][***] Councillor is elected, a fresh election shall be held on such day as the Tamil Nadu [9][State Election Commissioner] may fix.

1. This sub-section was inserted by Section 7 (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Chairman or" added by Tamil Nadu Act 23 of 1978 and omitted by Tamil Nadu Act 18 of 2006.
3. These sub-sections were substituted for sub-section (4) by Section 14(iii) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
4. Sub-section 4-A was omitted by Tamil Nadu Act 25 of 1994.
5. Sub-sections (3) and (4) were re-numbered as sub-sections (4) and (5) respectively by Section 7 (v) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. The words "or co-opted" omitted by Tamil Nadu Act 25 of 1994.
7. Sub-section 6 was omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
8. This section was substituted for the original section by Section 8 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
9. Substituted for the words "the Election Authority" by Tamil Nadu Act 25 of 1994.

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(2) [1][* * *]

(2-A) [2][* * *]

(3) The term of office of a [3][***] 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.]

[4] **[10. * * *]**

[5][11. * * *]

[6][**12. The Chairman and Vice-Chairman of the Municipality.—(1)** * * *]

[7][(2) Every Council shall elect one of its members to be its Chairman],

(3) The Council shall elect one of its members, [8][other than the persons referred to in sub-section (3) of Section 7 and the Chairman] to be its Vice-Chairman [9][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 Vice-Chairman.]

[10][[11][(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.]

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1. Sub-section 2 was omitted by the Tamil Nadu Act 25 of 1994.
2. Sub-section 2-A was omitted by the Tamil Nadu Act 16 of 1989.
3. Added by Tamil Nadu Act 23 of 1978 and omitted by Tamil Nadu Act 18 of 2006.
4. This section was omitted by Section 9 of Tamil Nadu Act X of 1930.
5. This section was omitted by Section 4 of the Tamil Nadu District Municipalities (Amendment), 1933 (Tamil Nadu Act XV of 1933).
6. Section 12 and 12-A were substituted for Section 12 by Section 11 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930) and Section 12 was omitted by Section 5 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
7. Inserted by Tamil Nadu Act 18 of 2006
8. Substituted by Tamil Nadu Act 25 of 1994.
9. Inserted by Tamil Nadu Act 16 of 1989.
10. Sub-sections (4) and (5) were originally substituted by Tamil Nadu Act 23 of 1978.
11. Sub-section (4) of Section 12 substituted by Tamil Nadu Act 18 of 2006.

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[1][(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.

[2]**[12-A. Procedure when no [3][Chairman or] Vice-Chairman is elected** .—If at an election held under Section 12 no [3][Chairman or] Vice-Chairman is elected, a fresh election shall be held.]

[4]**[12-B. Chairman, Vice-Chairman or Councillor not to receive remuneration .—** No Chairman, Vice-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 whatsoever.]

[5]**[12-BB. 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.]

[6][**12-C. Commissioner.—** (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.

1. Sub-sections (6) and (7) substituted by Tamil Nadu Act 16 of 1989.
2. Sections 12 and 12-A were substituted for Section 12 by Section 11 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930)
3. Omitted by Tamil Nadu Act 23 of 1978 and subsequently substituted by Tamil Nadu Act 18 of 2006.
4. Section 12-B was inserted by Section 6 of the Tamil Nadu District Municipalities (Amendment), Act 1933 (Tamil Nadu Act XV of 1933).
5. Inserted by Tamil Nadu Act 31 of 2002 w.e.f. 17-4-2003.
6. This section was substituted for Section 12-C (which was inserted by *ibid* (by Section 2 of the Tamil Nadu District Municipalities (Second Amendment) Act 1955 (Tamil Nadu Act XXXI of 1955).

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(2) The Commissioner shall be a whole time officer of the Municipality and shall not undertake any work unconnected with his 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 Commissioners appointed under sub-section (1).]

FUNCTIONS OF THE SEVERAL AUTHORITIES

[1][THE CHAIRMAN AND THE EXECUTIVE AUTHORITY]

[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 specifically imposed or conferred on the Chairman by this Act.]

13-A. 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 subject to all other restrictions, limitations and conditions hereinafter imposed, exercise power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfillment of the purposes of this Act.]

13-B. Rights of Chairman where a Commissioner has been appointed.—In the case of Municipalities included in Schedule IX or notified

1. Sections 13, 13-A and 13-B and the heading thereto were substituted for the original Section 13 and the heading thereto by Section 7 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][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 [1][State Government] or by the [1][State Government] to the Commissioner.]

[2][**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.]

15. Emergency powers of Executive Authority.— The [3][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 act 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 act, and

(b) he shall report the action taken under this section and the reasons therefor to the Council at its next meeting.

[4][**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 [5][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 [6][State] Government; and

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. Section 14 substituted by Tamil Nadu Act 18 of 2006.
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil. Nadu Act XV of 1933).
4. This section was inserted by Section 3 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.II1) Act, 1948 (Tamil Nadu Act IX of 1948).
5. These words were substituted for the words "twenty-five rupees" by the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
6. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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(b) the Executive Authority shall report any expenditure incurred under this section and the reasons therefor to the Council at its next meeting.]

[1]**[17. * * *]**

[2]**[18. Delegation and devolution of functions of Chairman .—** (1) The Chairman may, by an order in writing, delegate [3][any of his functions [4](***)] 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, [5][his functions [6](***)] shall, during such absence of incapacity, devolve on the Vice-Chairman:

Provided that where the absence from jurisdiction of the Chairman is within the [7][State of Tamil Nadu] and is on business connected with the Municipality, the Chairman's functions shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1), devolve on the Vice-Chairman.

[8][* * *]

(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 [9][any of his functions [10](***)] 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 sub-section is in force,

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1. This section was omitted by Section 15 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This section was substituted for the original section by Section 16, *ibid.*
3. These words were substituted for the words "any of his functions" by Section 17(2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. The words "including his functions as Executive Authority if he is also the Executive Authority" were omitted by Tamil Nadu Act 23 of 1978.
5. These words were substituted for the words "his functions except those of" by Section 17(2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
6. The words beginning from "including" and ending at "servant" were omitted by Tamil Nadu Act 23 of 1978.
7. This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.
8. Second proviso was inserted by Tamil Nadu Act 23 of 1978 and omitted by Tamil Nadu Act 16 of 1989.
9. These words were substituted for the words "any of his functions" by Section 17(2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
10. The words from "including" to "authority" were omitted by Tamil Nadu Act 23 of 1978

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no further order of delegation of any functions shall be made in favour of any 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 [1][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.

[2][(4) * * *]

(5) The exercise or discharge of any functions delegated under [3][subsections (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).]

[4]**[18**-A. **Rights and duties of the 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 resolution 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 [5][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 [6][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.]

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1. These words were substituted for the words "ninety days in any year in the case of any unpaid Chairman and fifteen days in the case of a paid Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. Sub-section (4) was omitted by Tamil Nadu Act 23 of 1978.
3. Substituted by Tamil Nadu Act 23 of 1978.
4. This section was inserted by Section 9 of the Tamil. Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
6. The words "servant of the Crown" were substituted for the words "officer of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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THE COUNCIL

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 [1]Chairman or Executive Authority.]

20. Duties and powers of individual Councillors .— (1) Any Councillor may call the attention of the [2][Executive Authority] to any neglect in the execution of municipal work, to any waste 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 [3][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 [2][Executive Authority] provided that the [2][Executive Authority] may, for reasons given in writing forbid such access.

21. Council's power to call for records .—The Council may at any time, require the [2][Executive Authority] to produce any [4][***] document which is in his custody.

The [2][Executive Authority] shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests 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. [2][Executive authority] to carry out Council's resolutions .—The [2][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.

[4]**[23. Appointment of Standing Committee .—** (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 executing such

1. These words were substituted for the word "Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the word "Chairman" by Section 17(1), *ibid.*
3. 3This word was inserted by Section 17 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The words "record, plan, correspondence or other" were omitted by Section 18 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. Substituted by Tamil Nadu Act 22 of 1996 w.e.f. 14th August 1996.

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powers, discharging such duties or performing such functions as it 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.]

[1][**23-A. 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 [5][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 this 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 [2][***] 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 disqualifications and disabilities of Councillors shall, save as regards, the disqualification on the ground of [3][residence], be applicable, so far as may be, to such persons:

[4][Provided that nothing contained in this section shall apply to the Taxation Appeals Committee referred in Section 23-A.]

[7][**24-A. 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 21 of 1994) having jurisdiction over the Municipality or the [6][Third Grade Municipality] or the Town Panchayat.

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1. Original Section 23-A was inserted by Tamil Nadu Act 15 of 1987 with effect from 27th May 1987 and the present Section 23-A was substituted by Tamil Nadu Act 16 of 1989 with effect from 29th May 1989.
2. The words "of either sex" were omitted by Section 20 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This word was substituted for the word "sex" by Section 20 (ii), *ibid.*
4. Inserted by Tamil Nadu Act 15 of 1987.
5. Substituted by Tamil Nadu Act 3 of 1997.
6. Substituted for the words "Town Panchayats" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
7. Sections 24-A and 24-B inserted by Tamil Nadu Act 25 of 1994.

24-B. Wards Committee .— (1) There shall be constituted by the State Government, a wards committee or committees consisting of one or more wards within the territorial area of the Municipality having 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 ;

(b) [1][***]

(3) Where a wards committee consists of —

(a) one ward, the Councillor representing the ward in the Municipality ;

(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 the 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 subsection (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 procedure to be adopted by such committee for transaction of its business shall be such as may be prescribed.]

[2][**"24-C Constitution of ward committee** –(1) There shall be constituted by the Municipal Council, a ward committee for each ward within the territorial area of the municipality.

(2) Each ward committee shall consist of the councillor representing the ward in the municipality and as many number of nominated members as may be prescribed from among the persons registered in the electoral rolls of the ward and nominated by the Municipal Council.

(3) The number of, qualification for, the nominated members and the procedure of nomination shall be such as may be prescribed.

24-D. Term of office of chairperson of ward committee – (1) The councillor representing the ward in the municipality shall be the chairperson of that committee.

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

24-E. Functions and duties of ward committee – (1) The functions and duties of the ward committee, and the procedure to be adopted by such committee for transaction of its business shall be such as may be prescribed.

(2) The duration of the ward committee shall be co-extensive with the duration of the Municipal Council.

24-F. Constitution of area sabha – (1) There shall be constituted by the Municipal Council, an area sabha for each area in a ward in the municipality

(2) Each ward shall consist of such number of area sabhas, not exceeding five, as may be prescribed.

(3) An area sabha shall comprise of the entire geographical territory in which all the persons registered in the electoral rolls pertaining to one or more polling booths in such territory are ordinarily resident.

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1. Clause (b) was omitted by (Tamil Nadu Act 3 of 1997) w.e.f. 14th November 1996.
2. Section 24C, 24D, 24E, 24F, 24G, 24H was inserted by Tamil Nadu Act 35 of 2010 and came in force on 29.10.2010

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(4) Each area sabha shall consist of the elected councillor of the ward and all the persons registered in the electoral rolls of the area.

24-G. Term of office of chairperson of area sabha – (1) The Councillor of the ward shall be chairman and convener of the area sabha.

(2) The duration of the area sabha shall be co-extensive with the duration of the Municipal Council.

24-H. Functions and duties of area sabha – The functions and duties of the area sabha, and the procedure to be adopted for transaction of its business shall be such as may be prescribed".

25. Rules and regulations for proceedings of Council .—The Council shall observe the rules in Schedule III and may make [1][***] regulations not inconsistent therewith or with other provisions of this Act or any rules made by the [2][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 ;

[3][(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 of order;]

(d) the division of duties among the members of the Council ;

[4][(e) the constitution and procedure of committees ;]

[5][(f) the delegation of its powers, duties or functions —

(i) to the Chairman, a Councillor, an officer or servant of the Council or [6][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 ;]

[7][(g) the persons by whom receipts may be granted for money paid to the Council ; and

(h) all other similar matters.]

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1. The word "supplementary" was omitted by Section 21(i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government" were substituted for the words 'Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. This clause was substituted for the original clause by Section 21(ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Substituted for the original clause by Section 21(iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. This was inserted as clause (f) by Section 21 (iv), *ibid.*
6. The words "a servant of the Crown" were substituted for the words "an officer of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
7. The original clauses (f) and (g) were re-entered as clauses (g) and (h) by Section 21(iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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[1]**[26. Appointment of Joint. Committee .—** (1) A Council may, and if so required by the [2][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 persons 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 ; and

(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 [1][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 [3][State Government] whose decision shall be final.

[4][(8) The powers of the [5][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].

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1. This Section was substituted for the original section by Section 22, *ibid.*
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
4. This sub-section was inserted by the Adaptation Order of 1937
5. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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27. Notification of election .--- All elections [1][***] of Chairman, Vice-Chairman and members of Municipal Councils shall be notified in the [2][Official Gazette].

28. Presidency of Council .--[3][(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 both the Chairman and the Vice-Chairman, [4][the Councillors and

(a) in the case of [5][Third Grade Municipalities], 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, [6][and during the period that he presides over it], have all the powers of the Chairman.

[7] **[29. * * *]**

30. [8][Councillor] when to abstain from taking part in discussion and voting .—(1) No [8][Councillor] shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Council or 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 [9][such Councillor] to have such interest, or he may require [9][such Councillor] to absent himself during the discussion.

(3) [9][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.

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1. The words "and appointments" were omitted by Section 23 of the. Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.
3. This sub-section was substituted for the original sub-section by Section 24 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Substituted by Tamil Nadu Act 25 of 1994.
5. Substituted for the words "Town Panchayats" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 24 of 2004).
6. These words were inserted by Section 24(ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930) (Tamil Nadu Act X of 1930).
7. This section was omitted by Section 25, *ibid*
8. The words "Chairman and Councillor" by Tamil Nadu Act 18 of 2006.
9. These words were substituted for the words “such person” by Section 26(i), of the Tamil Nadu District Municipalities(Amendment)Act,1930(Tamil Nadu Act X of 1930)

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[1][(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).]

[2]**[Explanation I.**—'Chairman' in this section includes a Vice-Chairman, or Councillor, presiding for the occasion.

Explanation II.— Councillor in this section shall include —

(a) in the case of [3][Third Grade Municipalities], 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].

[4]**[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.]

[5]**[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 of 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.]

ADMINISTRATION REPORT

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 [6][State Government], the Municipal Council shall submit to the [1][State

1 This sub-section was inserted by Section 26 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

2 The Explanation was re-numbered as Explanation-I and Explanation II was added by (Tamil Nadu Act 25 of 1994).

3 Substituted for the words "Town Panchayats" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act of 2004).

4 Section 31 was substituted by Tamil Nadu Act 23 of 1978.

5 This section was substituted for the original section by Section 28, of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

6 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

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Government] through the District Collector a report on the administration during the preceding year in such form and with such details as the [1][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 [1][State Government] [2][fix] to offer or make such explanations or observations as the Council thinks fit.

(2) The [3][Executive Authority] shall prepare the report ; the Municipal Council shall consider his report and forward it to the [1][State Government] with its resolutions thereon, if any.

(3) The report [4][and the resolutions thereon, if any], shall be published in such manner as the Council, subject to the approval of the [1][State Government], may direct.

CONTROLLING AUTHORITIES

34. Power of [1][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 [1][State Government] or the District Collector may

. *(a)* call for any [5][***] document in the possession or under the control of any [6][Council or [7](Executive Authority)] ;

(b) require any Council [8][or [7](Executive Authority)] to furnish any return, plan, estimate, statement, account or statistics ;

(c) require any Council [9][or [7](Executive Authority)] to furnish [10][any] information or report on any municipal matter ;

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. This word was substituted for the word "fixes" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. These words were inserted by Section 29 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. The words "records, correspondence, plan or other" in the original clause were omitted by Section 30 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. The words "Council or Chairman" were substituted for the words "Municipal Council" by *ibid.*
7. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
8. The words "or Chairman" were inserted by Section 30 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
9. The words "or Chairman" were inserted by Section 30 *(iii), ibid.*
10. The word "any" was inserted by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(d) record in writing, for the consideration of the Council [1][or [2](Executive Authority)] any observations [3][they or he may] think proper in regard to its'[4][or his] proceedings or duties.

35. Collector's power to enforce execution of resolutions.— If it appears to the District Collector that the [2][Executive Authority] of a Municipality has made default in carrying out any resolution of the Council, the said Collector, after giving the [2][Executive Authority], a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of the [2][Executive Authority] to the [5][State Government] and at the same time forward a copy of the same to the Council.

[6]**[36. Power to suspend or cancel resolutions, etc., under Act.—(1)** The [5][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 authorised ; or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or 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 [5][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:

[7][Provided further that nothing in this sub-section shall enable the [8][State] Government to set aside any election which has been held.]

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1. The words "or Chairman" were inserted by Section 30 (iv) (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. These words were substituted for the words "he may" by Section 30 (iv) (b), *ibid.*
4. These words were inserted by Section 30 (iv) (c), *ibid.*
5. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
6. This Section was substituted for the original Section by Section 31 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. This proviso was added by Section 4 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
8. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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(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 [1][State Government] who may thereupon either rescind the Collector's order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that it continue in force with or without modification permanently or for such period as they think fit.]

37. **Emergency powers of Collectors.—** (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 [2][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 [1][State Government] by the District Collector with the reasons in full for the exercise of such powers ; and a copy of the letter shall, at the same time, be sent to the Municipal Council for information.

38. State Government's power to appoint officers to supervise Municipalities.— (1) The [1][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 [3][***] documents relating thereto shall, at all times, 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 [4][***] appointed under this

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. The words "registers, books, accounts and other" were omitted by Section 32 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930)
4. The words "of Government" were omitted by the Adaptation Order of 1937.

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section such access at all reasonable times to municipal property or premises, and to all [1][***] 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.

[2]**[38-A. 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 (Central Act IX of 1910)*, as in force for the time being, the rules made under that Act, and the terms of the licence granted under it to the Municipal Council].

39. State Government's power to undertake works for, or to take action in default of, a Municipality .— (1) If, at any time, it appears to the [3][State Government] that a Municipal Council, [4][Chairman or Executive Authority] has made default in performing any duty imposed by or under this or any other Act, [5][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 [3][State Government] may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time, [6][as they may fix], to such person by the Municipal Council.

(3) The [3][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 expense, including the pay of such persons, be paid from the municipal fund.

(4) If expenses which the [3][State Government] [7][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 [3][State Government] may make an order directing the person having the custody of the municipal fund to

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1. The words "records, accounts and other" were omitted by Section 32 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This section was inserted by Section 2 *(i)* of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act XVIII of 1938).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
4. These words were substituted for the words "or Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. These words were substituted for the words "he may" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were substituted for the words "as he may fix" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. These words were substituted for the words "has directed" by *ibid.*

* Now, the Electricity Act, 2003 (Central Act 36 of 2003).

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pay it in priority to any other charge against such fund except charges for the service of authorised 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.

[1][(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 Councillors 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.]

[2]**[40. [3][State Government] to remove [4][Chairman or] Vice-Chairman.-**(1) The [3][State Government] may, by notification, remove any [4][Chairman or] Vice-Chairman, who in their opinion, willfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder or abuses the powers vested in him.

(2) The [3][State Government] shall, when they propose to take action under sub-section (1), give the Chairman or 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 [3][State Government] for the action taken.

[5][(3) [6][Any person removed under sub-section (1) from the office of Chairman or 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 [7][one year from the date specified in such notification].

[2][(40-**A. Motion of no confidence in [4][Chairman or] Vice-Chairman .-** (1) Subject to the provisions of this section, a motion expressing want of confidence in the [4][Chairman or] Vice-Chairman may be made in accordance with the procedure laid down herein.

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1. Inserted by Tamil Nadu Act 23 of 1978.
2. Sections 40 and 40-A were substituted for the original Section 40 by Section 33 of the Tamil 'Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. The words "Provincial Government" were substituted, for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
4. The words "Chairman or" were omitted by Tamil Nadu Act 23 of 1978 and inserted by Tamil Nadu Act 18 of 2006.
5. This sub-section was added by Section 2 (i) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1939 (Tamil Nadu Act XI of 1939).
6. Substituted by Tamil Nadu Act 23 of 1978.
7. Substituted by *ibid.*

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(2) Written notice of intention to make the motion, in such form as may be fixed by the [1][State Government], signed by such number by Councillors as shall constitute not less than [2][three-fifths] 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 Councillors signing the notice in person together, to the [3][Regional Director of Municipal Administration].

(3) The [3][Regional Director of Municipal Administration] 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 [3][Regional Director of Municipal Administration] 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 [3][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 [3][Regional Director of Municipal Administration] under subsection (5).

(5) If the [3][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 subsection (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 [3][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 debate.

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

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. Substituted by Tamil Nadu Act 37 of 2007.
3. The words "Regional Divisional Officer" were substituted by the words "Regional Inspector of Municipality" by Tamil Nadu Act 23 of 1978 and "Regional Inspector of Municipality" were substituted by "Regional Director of Municipal Administration" by Tamil Nadu Act 52 of 1998.

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(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 [1][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 [1][Regional Director of Municipal Administration] to the [2][State Government].

(12) If the motion is carried with the support of not less than [3][four-fifths] of the sanctioned strength of the Council, the [2][State Government) shall, by notification, remove the [4][Chairman or Vice-Chairman 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 [4][Chairman or Vice-Chairman] shall be received until after the expiry of one year from the date of the meeting.

[3][(14) No notice of a motion under this section shall be received,—

(i) within one year of the assumption of office by; or

(ii) during the last year of the term of office of a [4][Chairman or Vice-Chairman as the case may be.]

[5]**[40-B. ***]**

[6]**[40-BB ***]**

[7]**[40**-C. ***].

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1. The words "Regional Divisional Officer" were substituted by the words "Regional Inspector of Municipality" by Tamil Nadu Act 23 of 1978 and "Regional Inspector of Municipality" were substituted by "Regional Director of Municipal Administration" by Tamil Nadu Act 52 of 1998.
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. Substituted by Tamil Nadu Act 37 of 2007.
4. Substituted for the words "Chairman or Vice-Chairman, as the case may be" by (Tamil Nadu Act 23 of 1978 and re-substituted by Tamil Nadu Act 18 of 2006.
5. Section 40-B was inserted by Tamil Nadu Act 23 of 1978 and omitted by Tamil Nadu Act 18 of 2006.
6. Section 40-BB was inserted by Tamil Nadu Act 53 of 2002 and omitted by Tamil Nadu Act 9 of 2008.
7. Section 40-C was inserted by Tamil Nadu District Municipalities (Amendment) Act, 1987 and omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1989 (Tamil Nadu Act 16 of 1989.

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41. State Government's power to dissolve [1][***] **Council .—** [2][(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.]

[3][(1-A) Before publishing a notification under sub-section (1), the [4][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 [4][State Government] shall not be bound to follow the procedure laid down in this sub-section.]

[5][(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 [6][and the persons referred to in subsection (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] shall be inserted] and fresh elections shall be held in accordance with the provisions of this Act. [7][***]

(3) [8][Dissolution] shall take effect from noon on the date of application of the notification, if no date is therein specified, and thereupon the following consequences shall ensue:-

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1. The words "or supersede" was omitted by Tamil Nadu Act 25 of 1994.
2. Substituted by Tamil Nadu Act 25 of 1994.
3. This sub-section was inserted by Section 34 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
5. This sub-section was substituted for the original sub-section by Section 34 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. Inserted by Tamil Nadu Act 25 of 1994.
7. The following sentence was omitted by Section 3 (2) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968):-"The newly elected Councillors shall enter upon their offices on the date fixed for the reconstitution of the Council".
8. Substituted for the word "supersession" by Tamil Nadu Act 25 of 1994.

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(a) All the members of the Council as well as [1][its Chairman and Vice-Chairman shall forthwith be deemed to have vacated their offices.]

(b) All or any of the [2][functions of the Council and of its Chairman [3][***] may, [4][during the period of dissolution], be exercised and performed, as far as may be, and to such extent as the [5][State Government] may determine, by such persons as the [5][State Government] [6][appoint] in that behalf and any such person who is not a District Collector or Revenue Divisional Officer may, if the [5][State Government] [7][so direct], receive, payment for his services from the municipal fund; the [5][State Government] may determine the relations of such person with the municipal secretary (if any), with the district controlling officers and [8][with themselves]; and where there is a [9][Commissioner], the [5][State Government] may direct him to exercise and perform any powers and duties of the Council in addition to his own.

[10](c) [* * *]

[11][(4) An election to reconstitute a Municipal Council shall be completed, before the expiration of the period of six months from the date of its 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.

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1. These words were substituted for the words "the Chairman and Vice-Chairman shall forthwith vacate their office" by Section 34 (iv) (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the words "powers and duties of the Municipal Authorities" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. Omitted by Tamil Nadu Act 23 of 1978.
4. Substituted by Tamil Nadu Act 25 of 1994.
5. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
6. This word was substituted for the word "appoints" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. These words were substituted for the words "so directs" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
8. These words were substituted for the words "with himself' by *ibid.*
9. This word was substituted for the words "paid Chairman" by Section 17(2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
10. This clause was omitted by Section 34 (iv) (b) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
11. Substituted for sub-sections (4), (5) and (5-A) by Tamil Nadu Act 25 of 1994.

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(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.]

[1][(6) When a Council is dissolved [2][***] under this section, the [3][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 [3][State Government] lawfully takes action on behalf of or in default of, the Municipal Council under this Act, he shall have [4][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.

1. This sub-section was added by Section 34 (vii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The Words "or superseded" were omitted by Tamil Nadu Act 25 of 1994.
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. These words were substituted for the words "power to make such contracts" by Section 34 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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CHAPTER IV

ELECTION AND APPOINTMENT OF COUNCILLORS

ELECTIONS

[1]**[43. Election of Municipal Councillors.—** [2][(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 in accordance with such scale as may be prescribed.]

[3][(1) ***]

[4][(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 [5][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 [6][State Government] may direct that the alteration shall take effect from the next ordinary elections.

(5) [7][When a new ward is formed], or when an existing ward is abolished, the Tamil Nadu [8][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.]

[9]**[43-A. 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.

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1. This section was substituted for original Section 43 by Section 36 of Tamil Nadu Act X of 1930.
2. Substituted by Tamil Nadu Act 25 of 1994.
3. Sub-section 1-A was inserted by Tamil Nadu Act 17 of 1973 and omitted by Tamil Nadu Act 25 of 1994.
4. This sub-section was substituted for sub-section (2) by Section 4 (iii), of the Tamil Nadu District Municipalities (Amendment) Act 1973. (Tamil Nadu Act 17 of 1973.
5. These words were substituted for the words "to any seat in that ward whether reserved or not" by Section 4 (iv.), *ibid.*
6. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
7. These words were substituted for the words "When the number of Councillors to be returned by a ward is altered or when a new ward is formed" by Section 4 (v) of the Tamil Nadu District Municipalities (Amendment) Act, 1973 (Tamil Nadu Act 17 of 1973).
8. Substituted by Tamil Nadu Act 25 of 1994.
9. This section was inserted by Section 5 of the Tamil Nadu District Municipalities (Amendment) Act, 1973 (Tamil Nadu Act 17 of 1973).

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(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.]

[1][**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.

[2][**43-B. Election to the Municipalities including [3][Third Grade Municipalities], 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 [3][Third Grade Municipalities] and Town Panchayats shall be vested in the [4][Tamil Nadu State Election Commission] consisting of a [4][Tamil Nadu State Election Commissioner] to be appointed by the Governor under Article 243-K of the Constitution.

(2) The Governor shall, when so requested by the [4][Tamil Nadu State Election Commission], make available to the [4][Tamil Nadu State Election Commission] such staff as may be necessary for the discharge of the functions conferred on the [4][Tamil Nadu State Election Commission] by sub-section (1).

[5][**43-BB. Grant of paid holiday to Employees on the day of poll.— (1)** Every person employed in any business, trade industrial undertaking or any other establishment and entitled to vote at election to any Municipality including Third Grade Municipality and Town Panchayat shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with subsection (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had-not a holiday been granted to him, on that day.

1. 1 Section 43-AA inserted by Tamil Nadu Act 18 of 2006.
2. 2 Sections 43-B and 43-C were inserted by Tamil Nadu Act 25 of 1994.
3. 3 Substituted for the words "Town Panchayats" by the. Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 23 of 2004).
4. 4 Substituted for the words "State Election Commission" by Tamil Nadu Act 22 of 2001.
5. 5 Section 43-BB was inserted by Tamil Nadu Act 35 of 2008.

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(3) If an employer contravenes the provisions of-sub-section (1) or subsection (2), then such employer shall be punishable with fine which may extend to five hundred rupees.

(4) This section shall not apply to any elector whose absence may cause danger of substantial loss in respect of the employment in which he is engaged."]

43-C. Power of State Government to make election rules.— (1) The State Government may, in consultation with the [1][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, [2][the conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by candidates standing for election as Councillors [3][***.] :

Provided that the deposit required shall not exceed three thousand rupees.]

[4]**[43-D. Voting machines 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 the [2][Tamil Nadu State Election Commission] may, having 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.]

[5]**[44. Qualifications for inclusion in electoral roll for Municipality and publication thereof.—** [6][(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 with the provisions of law for the time being in force in

1. Substituted for the words "State Election Commission" by Tamil Nadu Act 22 of 2001.
2. Substituted for the words "the conditions under which such deposits may be forfeited" by Tamil Nadu Act 22 of 1996.
3. The words "or Chairman" omitted by Tamil Nadu Act 35 of 2008.
4. Section 43-D was Inserted by Tamil Nadu Act 10 of 2001.
5. Section 44 was substituted by the Chennai City Municipal and District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act II of 1938).
6. Sub-section (1) was substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).

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a Municipality and shall be deemed to be the electoral role for such Municipality for the purposes 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 60 or 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 expression '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 [1][Chennai] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 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 (1C), 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.

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1. Substituted for the word "Madras" by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996.

* Now, see the Tamil Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).

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(1-E) (a) A person shall not be deemed to be ordinarily resident in a Municipality on the ground only that he owns, or 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 the [1][Tamil Nadu State Election Commission] in accordance with such rules as may be prescribed.

(2) Any officer of the State Government or the Municipality Authorised in this behalf by the [1][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 authorised shall include the power to omit, in the matter and at the times aforesaid, from the electoral roll for the Municipality published under this sub-section, the name of the person who is dead or who incurs any of the disqualification specified in sub-section (1-A) [2][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 relates to that ward :]

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

(2-A) To assist the person authorised under sub-section (2), the [1][Tamil Nadu State Election Commission] may employ such persons as it thinks fit.

***Explanation* (1) .—** Where [2][in the case of any Assembly constituency there

1. Substituted by the Tamil Nadu District Municipalities (Amendment) Act, 2001 (Tamil Nadu Act 22 of 2001.
2. These words were substituted for the words "in the case of any territorial constituency of the Madras Legislative Assembly, there is no distinct part of the electoral roll relating to the Municipality, the names of all persons who are entered or who are qualified to be included," by Section 2 (i) (a) (ii) of the Tamil Nadu District Municipalities, District Boards and Village Panchayats (Amendment) Act, 1951 (Tamil Nadu Act XXIV of .1951). (Section 1 of Tamil Nadu Act XXIV of 1951 came into force on the 25th September 1951. All the other sections of the Act came into force on the 24th December 1951).

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is no distinct part of the electoral roll relating to the Municipality ' [all persons who are qualified to be included] in such roll] under the registration area comprising the Municipality and whose addresses [1][***] are situated in the Municipality shall be entitled to be included in the electoral roll for the Municipality prepared for the purposes of this Act.

Explanation (2) .— No person's name shall be included in the electoral roll for the Municipality in more than one place.

[2][(2) Any person authorized in this behalf by the State Government shall, for the purposes of this Act, prepare and publish in such manner and at such times 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 subsection the name of any person who is dead or who is disqualified to be included in such part of the electoral roll for any Assembly constituency as relates to the Municipality or any portion thereof].

(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, [3][or the limits of the Municipality are varied] [4][the person authorised under that sub-section] shall, as soon as may be after such division or alteration, [3][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, [3][or to the variation] of the limits, as the case may be, authorize a re-arrangement and republication of the electoral roll for the Municipality or any part of such roll, in such manner as the [5][State] Government may direct.

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1. These words were substituted for the words "all persons whose names are entered in such roll" and the words "as entered in such roll" were omitted by Section 3 (1) (a) (ii) of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).
2. This sub-section and Explanation were substituted for sub-section (2) by Section 3 (1) (b), *ibid.*
3. These words were inserted by Section 2 (i) (c) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1947 (Tamil Nadu Act II of 1947).
4. These words were substituted for the words "the election authority" by Section 3 (1) (c) of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).
5. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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[1][(4-A) No alteration shall be made in any part of 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 sub-section (4), after the last date fixed for making nomination of candidates for election to a ward and before the result of the election for the ward is notified.]

(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 sub-section (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.

[2]**[Explanation *****]

[3][**44-A. 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 exclusion of any entry in or from an electoral roll by an authority under Section 44.

44-B. 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, or with fine, or with both]

[4][45. *****]

1. This sub-section was inserted by Section 15 (ii) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962)
2. This Explanation was substituted by Section 3 (1) (d) of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968) and omitted by Tamil Nadu Act 32 of 1980.
3. Inserted, by Tamil Nadu Act 32 of 1980.
4. This section was omitted by Section 3 (2) of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

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[1]**[46.** *****]

[2][47. **Disqualification of voter .—** 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 disqualification exists.

QUALIFICATIONS FOR MEMBERSHIP OF COUNCIL

48. Qualification of candidates .— [3](1) No person shall be qualified for election as [4][a Councillor] unless —

(a) his name is included in the electoral roll of the municipality; and

(b) he has completed his twenty-five years of age.

[5][(2) No officer of Government [6][including] a village officer shall be qualified for election or for holding office as [4][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 [7][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 [8][State Government] whose decision shall be final.]

(3) Before taking any decision on any such question the Governor shall obtain the opinion of the Tamil Nadu State Election Commission and shall act according to such opinion.

[10]**[48-A. Powers of [8][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 [9][Tamil Nadu State Election Commission]

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1. This section was omitted by Section 38 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This section was substituted for the original Section 47 by Section 39, and subsequently the substituted section was again substituted by the Tamil Nadu Act 32 of 1980.
3. Sub-section (1) of section 48 was again substituted by the Tamil Nadu Act 32 of 1980.
4. Substituted by Tamil Nadu Act 18 of 2006 for the words “The Chairman or a Councillor”
5. This sub-section was substituted for the sub-section (2) by Section 40 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. Substituted by the words “other” by Tamil Nadu Act 23 of 1978.
7. The words "servant of the Crown" were substituted for the words "servant of the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
8. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
9. Section 48-A was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994. (Tamil Nadu Act 25 of 1994).
10. These words substituted by the (Tamil Nadu Act 22 of 2001).

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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 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 produceable 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 inquiry.

(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).

48-B. Statements made by persons to the [1][Tamil Nadu State Election Commission] .— No statement made by a person in the course of giving evidence before the [1][Tamil Nadu State Election Commission] shall subject him to, or be used against him in, any civil or judicial proceeding except a prosecution for giving false evidence by such statement:

1. These words substituted by the Tamil Nadu Municipal Laws (Amendment) Act, 2001 (Tamil Nadu Act 22 of 2001).

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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.

48-C. [1]**Procedure to be followed by the** [2]**[Tamil Nadu State Election Commission] .—** The [1][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).

48-D. [1]**Protection of action taken in good faith .—** No suit, prosecution or other legal proceedings shall lie against the [2][Tamil Nadu State Election Commission] or any person acting under the direction of the Commission in respect of anything which is in good faith done or intended to be done in pursuance of the foregoing provisions of Sections 48-A to 48-C or of any order made thereunder or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication by or under the authority of the Commission of any such opinion, paper or proceedings.

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 [3][for any offence other than an offence of a political character or an offence not involving moral delinquency] [4][such sentence not having been reversed or the offence pardoned) shall be disqualified for election [5][***] [6][as a Councillor] [7][while the sentence is in force and for six years from the date of the expiration of the sentence.]

[8][(1-A) A person convicted of an offence punishable under the prosecution of Civil Rights Act, 1955 (Central Act 22 of 1955), shall be disqualified for election [6](as a councillor) for period of [9](six years) from the date of such convictions]

[10][(1-B) A person disqualified for being a councillor under clause (ddd) of sub-section (1) of section 50 shall be disqualified for election as a councillor for a period of six years from the date of such disqualification”]

(2) A person shall be disqualified for [11][election] as [12][a Councillor] if such person is at the date of [13][nomination or election]

[14][(a)] of unsound mind, a deaf-mute or a leper ;

(b) [15][an applicant to be adjudicated a bankrupt or insolvent or] an uncertified bankrupt or undischarged insolvent ;

1 Inserted by Tamil Nadu Act 25 of 1994

2 These words were substituted by the Tamil Nadu Municipal Laws (Amendment) Act, 2001 (Tamil Nadu Act 22 of 2001).

3 These words were inserted by Section 41(i)(a)of the TNDM (Amendment)Act, 1930(Tamil Nadu Act X of 1930).

4 Added by Tamil Nadu Act 19 of 1991.

5 The words "or appointment" were omitted by Section 41(i) (b), ibid

6 The words “Chairman or as a Councillor: were substituted by section 33 of the Tamil Nadu Municipal Laws (Amendment) Act, 2006 (Tamil Nadu Act 18 of 2006).

7 Substituted by the TN Municipal Laws(Amendment)Act, 2001(Tamil Nadu Act 22 of 2001)

8 Sub-section (1-A) was inserted by Tamil Nadu Act 11 of 1968

9 Substituted by Tamil Nadu Act 18 of 2006 for “ five years”.

10 Sub-section (1-B) was inserted by Tamil Nadu Act 57 of 2008 vide G.O.Ms.No. 2 MA&WS Dt 02.01.2009

11 This word was substituted for the words "election or appointment" by Section 41(ii) (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

12 Substituted for “Chairman or as a Councillor” by Tamil Nadu Act 18 of 2006.

13 These words were substituted for the words "nomination, election or appointment" by ibid.

14 The original clauses (i) to (vi) were lettered as (a)to(f)respectively by Section 41(ii)(b),of the TNDM (Amendment) Act 1930 (Tamil Nadu Act X of 1930)

15 These words were added by Section 41(ii) (c), ibid.

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(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 [1][a company] :

[2][Provided that a person shall not be deemed to have any interest in [3][such contract or 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; or

(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 ;]

[4][(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 [5][***] a Councillor whose term of office as such will not expire before his fresh election [6][***] can take effect ; [7][or has already been elected [5][***] [8][a Councillor] whose term of office has not yet commenced;]

[9][***]

(f) the servant or employer or the official subordinate or official superior

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1. These words were substituted for the words "an incorporated company" by Section *41(ii)(d), ibid.*
2. The proviso was inserted as a proviso to clause (c) by Section *41(ii)(e), ibid.*
3. These words were substituted for the words "such a contract or work as aforesaid" by *ibid.*
4. This clause was inserted by Section 41(ii) *(f) ibid.*
5. Omitted by Tamil Nadu Act 18 of 2006.
6. The words "or appointment" were omitted by Section 41 (ii)(g), *ibid.*
7. These words were inserted by *ibid.*
8. Substituted for the words “the Chairmanor a Councillors” by Tamil Nadu Act 18 of 2006.
9. The word "or" was omitted by Section 2(i) *(a)* of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1940 (Tamil Nadu Act XIV of 1940), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I), Act, 1948 (Tamil Nadu Act VI of 1948).

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of a Councillor holding office on the said date ; [1][or]

[1][(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the Municipality upto 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][(2-A). If the Tamil Nadu State Election Commission is satisfied that person —

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

(b) has no good reason or jurisdiction 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 year.]

(3) Notwithstanding anything contained in sub-section (1), the [3][State Government] may direct that such sentence shall not operate as a disqualification.

[4][(4) ***]

[5]**[49-A. 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 [6][Third Grade 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 shall cease to hold his office, if he —

(a) is sentenced by a [7][Criminal] Court to such punishment [8][and for such offence] as is described in sub-section (1) of Section 49 ;

[9][(aa) is convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act 22 of 1955)].

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1. The words "or" and clause (g) were added by Section 2(i) (b) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1940 (Tamil Nadu Act XIV of 1940), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I), Act, 1948 (Tamil Nadu Act VII of 1948).
2. Sub-section (2-A) added by Tamil Nadu Act 22 of 2001.
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. This sub-section was omitted by Section 41(iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Order of 1930).
5. Inserted by the Tamil Nadu Municipal Laws (Amendment) Act, 2002 (Tamil Nadu Act 29 of 2002).
6. Substituted for the words "Town Panchayat" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 23 of 2004)
7. This word was inserted by Section 42(i)(a), of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
8. These words were inserted by *ibid.*
9. Class (aa) was inserted by Tamil Nadu Act 11 of 1978

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(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 [1][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 [2][a company ***;]

[3][(dd) is employed as paid legal practitioner on behalf of the Council or accepts employment as legal practitioner against the Council;]

[4]["(ddd) does not belong to Scheduled Caste or Scheduled Tribe, but has been elected from the seat reserved for Scheduled Caste or Scheduled Tribe as the case may be"]

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

(f) accepts employment under [6][or becomes the official subordinate of] any other Councillor;

[5][(g) ***]

(h) ceases to reside in the Municipality or within two miles thereof ; [8][***]

[9][(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 arrear this Act does not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (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]

[10][(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

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1. This expression was substituted for the expression "Section 49 sub-section (2)" by Section 42(i)(b), *ibid.*
2. These words were substituted for the words "an incorporated company" and the word "or is employed as paid legal practitioner on behalf of the Council or accepts employment as legal practitioner against the Council' were omitted by *ibid.*
3. This clause was inserted by Section 42 (1) (c) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Section 50 (ddd) was inserted by Tamil Nadu Act 57 of 2008 with effect from 2.1.2009.
5. This clause was substituted for the original clause by Section *42(i)(d) ibid.*
6. These words were inserted by Section 42(1)(e), *ibid.*
7. This clause was omitted by Section 42(l)(f), *ibid.*
8. The words "or" was omitted by Section *2(ii)(a)* of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1940 (Tamil Nadu Act XIV of 1940), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I), Act, 1948 (Tamil Nadu Act VII of 1948).
9. This clause was inserted by Section *2(ii) (b), ibid.*
10. This clause and Explanation were substituted for clause (i) and the Explanation thereto by Section 2 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1934 (Tamil Nadu Act IV of 1935).

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of office, or of the last meeting which he attended, or of his restoration to office as [1][Councillor] under sub-section (4), as the case may be, or of 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 meeting from which [2][***] 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) of sub-section (1), the [3][State Government] may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be a Councillor under [4][clause *(a)* of sub-section (1) or under Section 60)], he shall be restored to office for such portion of the period for which he was elected [5][***] as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or [6][the disqualification caused by the sentence or incurred under Section 60 is removed by an order of the State Government] [7][and any person elected to fill the vacancy in the interim shall on such restoration vacate office.]

[8][(4) Where a person ceases to be a Councillor under clause (i) of subsection (1), the [9][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 moto* to the Council on or before the date of its next meeting or within fifteen days of the receipt by him such intimation, the

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1 Substituted for the words “the Chairman or Councillors” by Tamil Nadu Act of 18 of 2006.

2 The words “Chairman or” omitted by ibid.

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

4 This expression was substituted for the words and letters "clause *(a)* or clause (g)" by Section 42(ii) *(a)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

5 The words "or appointed" were omitted by Section 42(ii) (b), *ibid.*

6 These words and figures were substituted for the words, "the disqualification caused by the sentence is removed by an order of the State Government" by Section 16 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

7 These words were inserted by Section 42(ii) *(c)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

8 This sub-section was substituted for the original sub-section by Section *42(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

9 These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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Council may at the meeting next after the receipt of such application restore him to his office of Councillor:

Provided that a Councillor shall not be so restored more than twice during his term of office.]

[1]**[50-A. Oath or affirmation .—** (1) Every Councillor and every person nominated under clause (a) of sub-section (a) of section 3-C or clause (a) of sub-section (3) of Section 7, as the case may be, 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 Councillor of this Council do swear in the name of God Solemnly 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 or sits as a representative nominated under clause (a) of sub-section (2) of section 3-C under clause (a) of sub-section (3) of section 7, before he has been 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 o be recovered as arrears of tax under this Act,]

51. Decision of questions of disqualification of Councillors by District Judge .— (1) Whenever it is alleged that any person who has been elected [2][as [3][***] or] a Councillor is disqualified under [4][***] Section 50, [5][Section 50A] 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, [6][under Section 50, [5][Section 50-A], or Section 60], such Councillor or any other Councillor may, and the [7][Executive Authority], at the request of the Council, shall, apply to the district judge of the district in which the Municipality is situated.

1. Section 50-A was substituted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
2. Omitted by Tamil Nadu Act 3 of 1997.
3. Words "the Chairman or" omitted by Tamil Nadu Act 18 of 2006.
4. Omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
5. This word, figures and letter were inserted by Section 4 of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964).
6. These words and figures were inserted by Section 43(i) *(c)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. These words were substituted for the word "Chairman" by Section 17(i) of the Tamil Nadu District Municipalities (Amendment) Act 1933 (Tamil Nadu Act XV of 1933).

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(2) The said Judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under [1][2](***)] Section 49, Section 50, [3][Section 50-A] or Section 60], and his decision shall be final.

[4](3) Pending such decision, the Councillor shall be entitled to act as if he were not disqualified.]

[5]DISPUTES REGARDING ELECTIONS

51-A. Election petitions .— (1) No election of a 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 [6][forty five days] from the date of the publication of the result of the election under Section 27.

(2) An election petition calling in question any elector may be presented on one or more of the grounds specified in Section 51-B by any candidate at such election, by any election 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.

[7][(5) The trial of an election petition shall, so far as is practicable consistently with the interest of justice in respect of the trial, be continued from

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1. These words and figures were substituted by the Tamil Nadu District Municipalities Act, 1930 (Tamil Nadu Act X of 1930).
2. The words and figures "sub-section (1) of Section 48" were omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994.
3. This word, figures and letter were inserted by Section 4 of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964).
4. This word, figures and letter were inserted by Section 4 of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964)
5. This heading and Section 51-A and 51-B were inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
6. Substituted for the words "fifteen days" by the Tamil Nadu Municipal Laws (Amendment) Act, 2001 (Tamil Nadu Act 22 of 2001)
7. Sub-section (5) and (6) were inserted by the Tamil Nadu Municipal Laws (Second Amendment) Act, 2001 (Tamil Nadu Act 10 of 2001).

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day-to-day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons 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.]

51-B. Grounds for declaring elections to be *void.*— *(1)* Subject to the provisions of sub-section (2), if the District Judge is of opinion —

(a) that on the date of his election a returned candidate was not qualified *or* was disqualified, to be chosen as [1][[***] 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 the 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 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

1 Words "the Chairman or Councillor added by the Tamil Nadu Municipal Laws (Third Amendment) Act, 1996 (Tamil Nadu Act 22 of 1996) and the Words "the Chairman or" omitted by Tamil Nadu Act 18 of 2006.

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(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.*

[1][CORRUPT PRACTICES

51-C. 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 People Act, 1951 (Central Act XLIII of 1951).

(2) Undue influence as defined in 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 candidate's 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 candidate's election.

(5) The hiring or procuring whether on payment or otherwise of any vehicle or vessel by a candidate or his agent or by 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 :

Provided further that the use of any public transport vehicle or vessel or any car or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be corrupt practice under this clause.

1 This heading with Section 51-C was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).

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***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.]

ELECTION OFFENCES

[1]**[52 to 55.** Omitted]

56. Infringement of secrecy of election .— [2][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 authorised 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.

[3][**56-A. 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.

56-B. Promoting enmity between classes in connection with election .— Any person who 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 with fine, or with both.

56-C. Prohibition of public meetings on the day preceding the election day and on the election day.- (1) No person shall convene, hold or attend

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1. These sections were omitted by Section 44 of the Chennai City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964 (Tamil Nadu Act 2 of 1964).
2. These words were substituted for the words, "Every polling officer, clerk or other person in attendance at the polling room" by Section 17 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
3. Sections 56-A to 56-N were inserted by Section 18 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

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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 sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

56-D. 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.

56-E. 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 a 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

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or other 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.

56-F. Officers, etc., at 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 or polling officer at an election, or an officer or clerk appointed by the returning officer or the 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.

56-G **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 vote ; 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.

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(2) Any person who contravenes the provisions of sub-section (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.

56-H. Penalty for disorderly conduct in or near polling stations .— (1) 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.

56-I. 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.

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(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.

56-J. Penalty for illegal hiring or procuring of conveyances at elections .— (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 sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

56-K. **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

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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.

56-L. Removal of ballot papers from polling station to be an offence .-

(1) Any person 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 subsection (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 woman 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.

56-M. 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 ;

(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 authorised 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 sub-section (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

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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) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

56-N. 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 sub-section (2) of Section 56-M except on complaint in writing made by order of, or under authority from the State Government.]

[1]**[57-59. ***]**

[2]**[60. Disqualification of persons convicted of election offences** .—Every person convicted of an offence punishable [3][under Section 56, 56-A, 56-B; 56C, 56-D, 56-E 56-F, 56-G, 56-H, 56-I, 56-J, 56-K, 56-L or 56-M] or under Chapter IX-A of the Indian Penal Code (Central Act XLV of 1860) shall be disqualified from voting or from being elected in any election to which this Act applies [4][***] or from holding the office of Municipal Councillor for a period of five years from the date of his conviction [5][***].]

[6][REQUISITIONING OF PROPERTY FOR ELECTION PURPOSES]

[6]**60-A. 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 —

1. These sections were omitted by Section 44 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This section was substituted for the original section by Section 45 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words, figures and letters were substituted for the words and figures "under Section 56" by Section 19 (i) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of (1962).
4. The words “or from being co-opted as a Councillor” were inserted by the (Tamil Nadu Act 19 of 91) w.e.f. 18th July 1991 and were subsequently omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
5. The words "or for such shorter period as the Court may, by order, determine" were omitted by Section 19(ii) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of (1962).
6. This heading and Sections 60-A to 60-H were inserted by Section 20, *ibid.*

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(a) any premises other than residential buildings actually occupied are needed or are 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 of 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 no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(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 sub-section (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 that 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

[1]**60-B. 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 :

1 Sections 60-A to 60-H were inserted by Section 20 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

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Provided that the rent payable in respect of the premises to which the provisions of the [1][Tamil Nadu] Buildings (Lease and Rent Control) Act, 1960 ([1][Tamil Nadu] Act 18 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

1. These words were substituted for the words "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the .14th January 1969.

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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 that 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.

[1]**60-C. 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.

[1]**60-D. 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.

[1]**60-E. Eviction from requisitioned premises .—** (1) Any person remaining in possession of any requisitioned premises in contravention of any order may 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.

[1]**60-F. 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.

1. Sections 60-A to 60-H were. inserted by Section 20 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

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(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.

[1]60-G. Delegation of functions 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 by specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

[1]60-H. 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.

1 Sections 60-A to 60-H were inserted by Section 20 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).

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CHAPTER V

POWERS OF MUNICIPAL AUTHORITIES IN RESPECT OF [1][PROPERTY, CONTRACTS AND ESTABLISHMENT]

PROPERTY

61. Vesting of public streets and appurtenances in the Municipal Council.— (1) All public streets in any Municipality, with the pavements, stones and other materials thereof, and all [2][works], materials and other things provided for such streets, all sewers, drains, drainage works, 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 [2][works], materials and things appertaining thereto shall vest in the Municipal Council.

(2) The [3][State Government] may, by notification, withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the Council.

[4][61-A. 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 [5][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 [5][State] Government may, by general or special order direct, —

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

(b) for the provision, maintenance and repair of the water-supply mains,

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1. These words were substituted for the words "Property, Contracts Establishments" by Section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
2. This word was substituted for the word "erections" by Section 6 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu X of 1930).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. This section was inserted by Section 2 of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1946 (Tamil Nadu Act VII of 1946), which came into force on the 23rd March 1946 and which was re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
5. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
6. This clause was substituted for the original clause by the Schedule to the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).

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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 Highways Department as the [1][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 immediately before 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.— [2][(1)] Subject to the control of the [3][State Government], the Board of Revenue may, by notification, [4][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 [5][Tamil Nadu] Endowments and Escheats Regulation, 1817[6] ; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to [7][the Council] as if it had been specially named in the said regulation, and the Council shall manage [8][and superintend] such endowment.

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1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. The original Section 63 was re-numbered as Section 63 (1) by Section 5 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), reenacted permanently with specified modification by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. These words were substituted for the words "with the consent of the Municipal Council make over to a Municipal Council" by Section 47(i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. 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, which came into force on the 14th January 1969.
6. This Regulation has been repealed in its application to Hindu religious institutions and endowments by Section 5(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).
7. These words were substituted for the words "such Council" by Section 47(i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
8. These words were inserted by Section *47(ii), ibid.*

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[1][(2) The Board of Revenue may of its own motion and shall on a direction from the [2][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 [3][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 [4][any purpose] to which the municipal fund may be applied.

66. Objects not provided for by this Act .—The [5][State Government] may, [6][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 [7][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 [5][State Government].

67. Procedure for acquisition of immovable of property under the Land Acquisition Act, 1894 .—Any immovable property which any municipal authority

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1. This sub-section was added by Section 5 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
2. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the word "Chairman" by section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. These words were substituted for the word "purposes" by Section 48 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
6. These words were substituted for the words "with the consent of the Council of any Municipality, transfer to any Municipal Council" by Section 49 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. These words were substituted for the words "lawful for such Council to undertake the management of the institution or the execution of the work" *by, ibid.*

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is authorised by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894 (Central Act I of 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.

CONTRACTS

68. Delegation of authority to contract and contractual powers of persons appointed by Government .—[1][(1) 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.**
[2][1. (a) Special Grade Municipalities	50,000
(b) Selection Grade Municipalities	40,000
2. I Grade Municipalities	30,000
3. II Grade Municipalities	20,000
4. III Grade Municipalities and Town Panchayats	10,000]

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.

[3][***]

(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.]

1. These sub-sections were substituted for the original sub-sections (1) and (2) by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970) which were deemed to have come into force on the 24th October 1970.
2. Substituted by Tamil Nadu Act 38 of 2008.
3. Omitted by Tamil Nadu Act 38 of 2008.

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(3) Notwithstanding anything in the two preceding sub-sections, any person appointed by the [1][State Government] to carry any work into execution on behalf of a Municipal Council may, subject to such control as the [1][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.

[2]**[68-A. Rules regarding the conditions on which contracts may be made** .—The power conferred by Section 68 to make or sanction contract 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, where of the value or amount exceeds [3][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 :

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

(2) A contract executed or made otherwise than [5][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.

[6]**[70. Establishment of Municipal Council .—** (1) The sanction of the Council shall be obtained for the all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them.

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. This section was inserted by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1941 (Tamil Nadu Act X of 1941), re-enacted permanently by Section 2 of and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).
3. These words were substituted for the expression "Rs.100" by Section 51 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. This proviso was added by Section 11 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).'
5. This expression was substituted for the words "in conformity with the provisions of this and the last preceding section" by Section 3 of the Tamil Nadu District Municipalities (Amendment) Act, 1941 (Tamil Nadu Act X of 1941), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).
6. This section was substituted for the original section by Section 52 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(2) Such proposals shall be taken into consideration by the Council only at the instance of the [1][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.]

[2][(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 [3](State Government).]

[4]**[71. The Secretary, the Health Officer and the Engineer.—(1)** [5][In any Municipality which is neither included in Schedule IX nor notified under sub-section (1) of Section 12-C], a 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 realised 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.

[6][(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 [7][State] Government shall, sanction a post of municipal Electrical

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This sub-section was added by Section 3 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1934 (Tamil Nadu Act IV of 1935).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. This section was substituted for the original section by Section 53 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. These words were substituted for the words "If, in any Municipality, there is salary attached to the office of the Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
6. This sub-section was inserted by Section 2(ii) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act XVIII of 1938).
7. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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Engineer. [1](Any such Municipal Council, if so required by the [2][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 [3][State Government].

(4) Every secretary, health officer, [4][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, [5][engineer, Electrical Engineer, or assistant Electrical Engineer], an appointment shall be made thereto by the Council subject to the approval of the [3][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 the [3][State Government] within thirty days of the date of the receipt by the Council of the orders of the [3][State Government].

(2) In default of an appointment being made by the Council as aforesaid, the [3][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.

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1. This sentence was added by Section 2(i) of the Tamil Nadu District Municipalities (Amendment) Act, 1945 (Tamil Nadu Act XXIII of 1945), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).
2. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. These words were substituted by Section 2 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1945 (Tamil Nadu Act XXIII of 1945), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948) for the words "engineer or Electrical Engineer" as substituted for the words "or engineer" by Section 2 (iii) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act XVIII of 1938).
5. These words were substituted for Section 3 *ibid*, for the words "engineer or Electrical Engineer" as substituted for the words "or engineer" by Section 2 (iv) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act XVIII of 1938).

[1][(4) No such officer shall be removed from office except with the consent of the [2][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.]

[3][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 [4][fifty rupees] per mensem shall be made [5][by a committee *consisting* of a 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 [6][any rules (including rules for the representation of different communities) which the [2][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.]

[7][73-A. **Power of State Government to transfer officers and servants of Municipalities or Corporations.—** (1) Notwithstanding anything contained in this Act or in 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 [8][Chennai] constituted under the [4][Chennai]

1. This sub-section was added by Section 54 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. This section was substituted for the original Section 73 by Section 12 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. These words were substituted for the words "eighty rupees" by Section 3 of the Tamil Nadu District Municipalities (Amendment) Act, 1935 (Tamil Nadu Act XVIII of 1935). These words were substituted for the words "by the Council" by *ibid.*
5. These words were substituted for the words "any rules which the Local Government may make in this behalf' by Section 4 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1934 (Tamil Nadu Act IV of 1935).
6. Substituted by the Tamil Nadu Municipal Laws (Amendment) Act, 1985 (Tamil Nadu Act 32 of 1985).
7. Substituted for the word "Madras" by the City of Madras (Alteration of Name Act, 1996 (Tamil Nadu Act 28 of 1996).

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City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or the Municipal Corporation of Madurai constituted under the Madurai Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or the Municipal Corporation of Coimbatore constituted under the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or any 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 in 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 [1][provisions of this Act and any rules which the [2][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 educational or other qualifications ;

(c) regulating the grant of leave, leave allowances, [3][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, [4][1eave allowances, travelling allowances, pension or gratuity provided for in such regulations] shall, in no case without the special sanction of the [2][State Government], exceed what would be admissible in the case of Government servants of similar standing and status ;

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1. These words were substituted for the words and figures "provisions of Sections 12, 17, 71 and 77 and any rules made by the Governor General-in-Council" by Section 56 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the words "and acting allowances" by Section 56 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the words "and leave allowances, gratuity or pension granted under these regulations" by Section 56 *(iii), ibid.*

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(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 [1][State Government], the [2][Executive Authority] may [3][censure, fine, withhold promotion from], [4][recover the whole or part of any pecuniary loss caused to the Municipal Council from the pay of], reduce, suspend, remove or dismiss [5][any officer or servant in the service of the Municipality] except a health officer, [6][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:

[7][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 [1][State Government] as inferior or menial.]

76. Power to grant leave to Establishment .— The [2][Executive Authority] may grant leave to all Municipal officers and servants.

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1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

2 These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act. XV of 1933).

3 These words were substituted for the word "fine" by Section 57 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

4 These words were inserted by Section 3 (3) of the Chennai City Municipal. Corporation, District Municipalities and Panchayats (Amendment) Act, 1968 (Tamil Nadu Act 6 of 1968).

5 These words were substituted for the words "any municipal officer or servant in its service" by Section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951) and the words "in its service" were inserted by Section 57 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

6 These words were substituted by Section 4 of the Tamil Nadu District Municipalities (Amendment) Act, 1945 (Tamil Nadu Act XXIII of 1945), re-enacted permanently by Section 2 of, and the First. Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948), for the words "a municipal. engineer or a municipal Electrical Engineer" as substituted for the words "or a municipal engineer" by Section 2(v) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act XVIII of 1938).

7 This proviso was added by Section 2 of the Tamil Nadu District Municipalities and Local Boards (Second Amendment) Act, 1942 (Tamil Nadu Act XVIII of 1942), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

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[1]**[76-A. Power of [2][State Government] to appoint Health Officer, Engineer or Electrical Engineer .—** Notwithstanding anything contained in this Act —

(a) the [2][State Government] may, by notification, take power to appoint the health officer, [3][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 [2][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, [4][Engineer, Electrical Engineer or Assistant Electrical Engineer] and such contribution towards his leave allowances, pension and provident fund as the [2][State Government] may, by general or special order, determine ;

(c) the [2][State Government] may, at any time, withdraw any such health officer, [4][Engineer, Electrical Engineer, or Assistant Electrical Engineer] and appoint another in his place ; and

(d) the [2][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, [4][Engineers, Electrical Engineers and Assistant Electrical Engineers] appointed under clause (a).]

77. Special provisions regarding Government servants lent to Council.— (1) The [2][State Government] may, on the application of any Municipal Council, place the services of any Government servant [5][employed in connexion with the affairs of the [6](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 [7][also make any

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1 This section was inserted by Section 2 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1933 (Tamil Nadu Act XII of 1933).

2 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

3 These words were substituted by Section 5 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1945 (Tamil Nadu Act XXIII of 1945), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948), for the words "the municipal engineer or the municipal Electrical Engineer" as substituted for the words "or the municipal engineer" by Section 2 *(vi)* of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act XVIII of 1938).

4 These words were substituted by Sections 5 (ii), *ibid.*

5 These words were inserted by the Adaptation Order of 1937.

6 This word was substituted for the word "Province" by the Adaptation Order of 1950.

7 These words substituted for the words "also pay the Local Government such contribution towards the pension and leave allowances of such servant as may be payable under the regulations in that behalf in force for the time being" by the Adaptation Order of 1937.

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contribution towards the pension and leave allowances of such servant as may be required, by the conditions of his service under the [1][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 [2][the State Government], the [2][State Government] shall contribute to the municipal fund so much of the salary of such servant as the [2][State Government] may consider to be an equivalent for such work.

[3][(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 [4][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 [2][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.

[5]**[77-A. Provincialisation of any class of municipal officers or servants .—** (1) Notwithstanding anything contained in this Act, the [3][State Government] may, by notification, constitute any class of officers or servants of Municipal Councils into a municipal service for the [6][State of Tamil Nadu] :

1. This word was substituted for the word "Crown" by the Adaptation Order of 1937.
2. The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. This sub-section was substituted for the original sub-section (3) by Section 2 of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1942 (Tamil Nadu Act XII of 1942), which came into force with retrospective effect from 21st March 1941 and was reenacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No, I) Act, 1948 (Tamil Nadu Act VII of 1948).
4. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
5. This section was added by Section 58 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

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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 [1][State Government] shall have power, [2][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 [1][State Government] or in such other authority or authorities as may be prescribed therein.]

[3][**77-AA. 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 in 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 this 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).]

[4][**77-B. 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

1 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

2 This expression was substituted for the expression "subject to the provisions of Section 305A" by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1972 (Tamil Nadu Act 5 of 1973).

3 Section 77-AA was Inserted by Tamil Nadu Act 65 of 1986 with effect from 1st June 1986.

4 This section was inserted by Section 2 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1944 (Tamil Nadu Act XIX of 1944), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

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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.]

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PART III

CHAPTER VI

TAXATION AND FINANCE

78. Enumeration of ordinary taxes and powers of control of State Government .— (1) Every Municipal Council may levy

(a) a property tax ;

[1][(b)] a profession tax ;

[1][(c)] a tax on carriages and animals ;

[1][(d)] a tax on cars.

[2][(dd) a tax on advertisements other than advertisements published in the news papers and advertisements broadcast by radio or television.]

[3] [(e) ***]

(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 [4][***] shall specify the rate at which any such tax [4][***] shall be levied and the date from which it shall be levied :

Provided that before [5][passing] a resolution imposing a tax [4][***] for the first time or increasing the rate of an existing tax [4][***], the Council 6[shall

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1. Clause *(b)* was omitted and clauses *(c)* to *(f)* were re-lettered as *(b)* to (e), respectively, by Section 59 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. Inserted by the Tamil Nadu Municipal Laws (Amendment) Act, 1998 (Tamil Nadu Act 51 of 1998).
3. This clause was omitted by Schedule Ito the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931)
4. The words "or toll" were omitted by the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
5. This word was substituted for the words "carrying into effect" by Section 59 *(ii) (a)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were substituted by Section 2 *(i)* of the Tamil Nadu District Municipalities and Local Boards (Second Amendment) Act, 1944 (Tamil Nadu Act XVIII of 1944), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No.1) Act, 1948 (Tamil Nadu Act VII of 1948), for the words "shall publish a notice in the *district gazette* and at least one vernacular newspaper of its intention," which were inserted by Section 59(ii)(b) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930)..

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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 [1][***] or reducing the rate at which a tax [1][***] is levied shall be immediately reported to the [2][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 [2][State Government] :

[3][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.]

[4]**[78**-A. **Duty on transfers of property** .—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 [2][State Government] and the [5][Central Government]-

6[(a)***]

(b) a tax on persons [7][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:

[8][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.]

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1. The words "or toll" were omitted by the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.
3. This proviso was added by Section 59 (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. This section was inserted by Section 2 (i) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1945 (Tamil Nadu Act XX of 1945), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).
5. These words were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937.
6. Clause *(a)* was omitted *by ibid.*
7. These words were substituted for the words "entering or leaving the Municipality by railway" by Section 60 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
8. This proviso was added by Section 60 *(iii), ibid.*

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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 [1][***] for the first time or at a new rate, the [2][Executive Authority] shall forthwith publish a notification in the *district gazette* and by beat of drum specifying the rate at which, I [3](the date from which and the period of levy, if any, for which such tax [4][***] shall be levied.] [3]

[5]**[80-A. 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 I [6][State] [6] Legislature has no power to impose in the [7][State] under [8][the Constitution][8]

Provided that a Municipal Council which immediately before the commencement of [9][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 [10](Parliament by law)].

THE PROPERTY TAX

81. Description and classes of property tax .— [11][(1) If the Council by resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within municipal limits save those exempted by or under this Act or any other law. The property tax may comprise

(a) a tax for general purposes ;

(b) a * [water and] drainage tax to provide for expenses connected with the construction, maintenance, repair, extension or improvement of *[water or] drainage works heretofore provided or hereafter to be provided ;

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1 The words "or toll" were omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

2 These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

3 These words were substituted for the words "the tax or toll will be levied from a day to be specified in the notification" by Section 61 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

4 The words "or toll" were omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

5 Section 80-A was section was inserted by the Adaptation Order of 1937.

6 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

7 This word was substituted for the word "Province" by *ibid.*

8 These words were substituted for the words "the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.

9 These words were substituted for the words "Part III of the said Act" by *ibid.*

10 These words were substituted for the words, "the Central Legislature" by the Adaptation (Amendment) Order of 1930.

11 This sub-section was substituted for the original sub-section by Section 62 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* Omitted in respect of Chennai Metropolitan Area by Tamil Nadu Act 28 of 1978.

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(c) a lighting tax to provide for expenses connected with the lighting of the Municipality by gas or electricity;

(d) a scavenging tax to provide for expenses connected with the removal of rubbish, filth or the carcasses of animals from private premises ; and

(e) a railway tax to be used solely for or to further the construction and maintenance of railways:

Provided that where the *[water and] drainage tax is levied, the Municipal Council shall declare what proportion of the tax is levied in respect of *[waterworks and the remainder shall be deemed to be levied in respect of] drainage works and the proportion so declared shall also be specified in the notification published under Section 80 :

Provided further that the railway tax shall not be levied unless its levy is determined by a resolution of the Municipal Council supported by not less than three-fourth of the members present at a meeting specially convened in that behalf, such resolution being confirmed after a period of six months by a like majority at a like meeting and sanctioned by the '(State Government)].

[2][(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings, or lands which are occupied by, or adjacent and appurtenant to, buildings or both, as may be fixed by the Municipal Council, subject to the provisions of Section 78 ;]

[3][(3) (a) [4][Save as otherwise provided in clause (b), the Municipal Council shall, in the case of lands] which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, [5][levy property tax on such lands at such rate as it may fix, having regard to its location and subject to the minimum and maximum rates per square feet as may be prescribed by the State Government.",][5]

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* Omitted in respect of Chennai Metropolitan Area by Tamil Nadu Act of 28 of 1978.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. This sub-section was substituted by Section 2 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1955 (Tamil Nadu Act XX of 1955), for the original sub-section as amended by Section *62 (ii)* (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. Sub-section (3) which was inserted by Section 62 *(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930), was lettered as sub-section (3) (a) by Section 2 (i) of the Tamil Nadu District Municipalities (Second Amendment) Act, 1946 (Tamil Nadu Act VI of 1946), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).
4. This expression was substituted for the words "The Municipal Council may, in the case of lands" by *ibid.*
5. Substituted by Tamil Nadu Act 15 of 2009

[1][(b) In the case of railway lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, the Municipal Council shall levy these taxes on the annual value of such lands, and the [2][State] Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the annual value of such lands shall be estimated or revised, and they may also by such rules, restrict or modify the application of the provisions contained in Schedule IV to such lands.]

[3][(4) [4][(a)] The Municipal Council shall, in the case of lands used exclusively for agricultural purposes, levy these taxes at such proportions as it may fix, of the annual value of such lands as calculated in accordance with the provisions of Section 79 of the [5][Tamil Nadu] District Boards Act, 1920 ([5][Tamil Nadu] Act XIV of 1920)* :

Provided that the proportion shall not exceed the maximum, if any, fixed by the State Government.

(b) If such lands be occupied by tenants, the Municipal Council shall levy the taxes in equal shares, from the landholder and the tenant respectively.]

[6]**[81-A. Levy of property tax on a direction by Government .—(1)** The [2][State] Government may, by order published in the Official Gazette, direct any Municipal Council to levy the property tax referred to in sub-section (1) of Section 78 or any class of such tax, at such rate and with effect from such date (not being earlier than the first day of the half-year immediately following that in which the order is published) as may be specified in the order.

(2) When an order under sub-section (1) has been published, the provisions of this Act relating to property tax shall apply as if the Municipal Council had on the date of publication of such order by resolution determined to levy the tax

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1 This clause was added by Section 2 *(ii)* of the Tamil Nadu District Municipalities (Second Amendment) Act, 1946 (Tamil Nadu Act VI of 1946) re-enacted permanently by Section 2 of and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

2 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

3 This sub-section was inserted by Section 62 *(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

4 This clause was substituted for clause *(a)* by Section 2 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1955' (Tamil Nadu Act XX of 1955).

5 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, which came into force on the 14th January 1969.

6 Section 81-A was inserted by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1944 (Tamil Nadu Act VIII of 1944), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

* This Act was repealed by the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994.)

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at the rate and with effect from the date specified in the order and as if no other resolution of the Council under Section 78 determining the rate at which and the date from which property tax shall be levied had taken effect.

(3) A Municipal Council shall not alter the rate at which the property tax or any class of such tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the [1][State] Government.]

82. Method of assessment of property .— (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year [2][less a deduction in the case of buildings, of ten per cent of that portion of such annual rent which is attributable to the buildings alone, apart from their sites and adjacent lands occupied as an appurtenance thereto;] and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever:

Provided that —

[3][(a) in the case of

(i) any Government or railway building;] or

(ii) any building of a class not ordinarily let the gross annual rent of which cannot, in the opinion of the [4][Executive Authority], be estimated,

the annual value of the premises shall be deemed to be six per cent of the total of the estimated value of the land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost; [5][***].

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1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "less a deduction in the case of buildings only, of ten per centum of such annual rent" by Section 3 (1) of the Chennai City Municipal and District Municipalities (Amendment) Act, 1944 (Tamil Nadu Act III of 1944), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948). This amendment should be deemed to have taken effect from the commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 19301 which originally amended this sub-section by inserting the words "in the case of buildings only".
3. This clause was substituted for the original clause *(a)* in the proviso by Section *63 (ii) (a)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. The word "and" was omitted by Section *2 (a) (i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1974 (Tamil Nadu Act 21 of 1974).

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[1][(aa) in the case of any building in any industrial estate wherein essential amenities including water-supply, drainage and lighting are not provided by the Municipality but provided by the Industries Department of the State Government or by any other authority under the control of the State Government, the annual value of such building shall be deemed to be four per cent of its capital value :

Provided that if any question arises whether for the purposes of this clause, essential amenities are provided by the Industries Department or other authority, it shall be decided by such authority as may be prescribed.

Explanation .—For the purposes of this clause, 'industrial estate' means any area selected and developed by the State Government or developed by any other authority under the control of the State Government and where any industry or a class of industry are accommodated ; and]

(b) machinery [2][and furniture] shall be excluded from valuations under this section:

[3][(3) The [4][State] Government shall have power to make rules regarding the manner in which, the person or persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which [5][clause *(a)* or clause *(aa)* of the proviso to sub-section (2)] applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule IV to such case or class of cases.]

83. General exemptions .— [5][(1)] The following buildings and lands shall be exempt from the property tax :---

[7]*[(a)* places set apart for public worship and either actually so used or used for no other purposes ;

(b) choultries for the occupation of which no rent is charged and

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1 This clause was inserted by Section 2 *(a) (ii), ibid.*

2 These words were inserted by Section 63 *(ii) (b)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

3 This sub-section was added by Section 3 of the Chennai City Municipal and District Municipalities (Second Amendment) Act, 1942, re-enacted permanently by Section 2 of, and the. First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act,,1948 (Tamil Nadu Act VII of 1948).

4 This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

5 This expression was substituted for the expression "clause *(a)* of the proviso to sub-section (2)" by Section 2 (b) of the Tamil Nadu District Municipalities (Amendment) Act, 1974 (Tamil Nadu Act 21 of 1974).

6 Section 83 was re-numbered as sub-section (1) of Section 83 by Section 64 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

7 These clauses were substituted for the original clauses *(a)* and *(b)* and clauses (c), *(d)* and *(e)* were re-lettered as clauses (g), *(h)* and *(i)* respectively by Section 3 *(ii)* (1) of the Chennai City Municipal District Municipalities and Local Boards (Amendment) Act, 1939 (Tamil Nadu Act XXI of 1939).

choultries the rent charged for the occupation of which is used exclusively for charitable purposes ;

(c) [1][***] [2][buildings used for educational purpose including hostels attached thereto, public buildings and places used for the charitable purpose] of sheltering the destitute or animals, and libraries and playgrounds which are open to the public ;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904), or parts thereof as are not used as residential quarters, or as public offices ;

(e) charitable hospitals and dispensaries;

(f) such hospitals and dispensaries maintained by railway administrations as may, from time to time, be notified by the [3][State] Government;]

[4][[5](g) burial and burning grounds included in the book kept at the municipal office under Section 281 ;]

[5]*(h)* buildings or lands belonging to the Municipal Council;

[6][[5](i)] any irrigation work vesting in the [7][Government] including the bed of a water-course, or any building or land adjacent and appertaining to such irrigation work; [7][Government] lands set apart free for recreation purposes ; and all such other [7][Government] property (being neither buildings nor land from which in the opinion of the [3][State] Government any income could be derived) as may, from time to time, be notified by the [3][State] Government:]

[8][Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax any building or land for which rent is payable by the person or persons using the same for the purposes referred to in the said clauses.]

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1. The words "buildings used for education purposes, including hostels" were omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1990 (Tamil Nadu Act 17 of 1990).
2. Substituted by the Tamil Nadu Municipal Laws (Amendment) Act 1994 (Tamil Nadu Act 42 of 1994) w.e.f. 18th October 1990.
3. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
4. This clauses was substituted for the original clause by Section 64 (1) (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. Clauses (c), *(d)* and (e) were re-lettered as clauses (g), (h) and *(i)* respectively by Section *3 (ii) (1)* of the Chennai City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Tamil Nadu Act XXI of 1939).
6. This clause was substituted for the original clause (e) by Section 2 (ii) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1939 (Tamil Nadu Act XI of 1939).
7. This word was substituted for the word "Crown" by the Adaptation Order of 1950.
8. This proviso was inserted by Section *3 (ii)* (2) of the Chennai City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Tamil Nadu Act XXI of 1939).

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[1]*[Explanation* .— The exemption granted under this section shall not extend to residential quarters attached to schools and colleges not being hostels or to residential quarters attached to hospitals, dispensaries and libraries.]

[2][(2) The *[water and] drainage tax shall not be levied on any land used exclusively for agricultural purposes and not deriving any benefit from the *[water or] drainage works on account of which the tax is imposed.

(3) The Municipal Council may, with the previous sanction of the [3][State Government], exempt any particular part of a Municipality from the payment of the whole or a portion of the * [water and] drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the *[water-supply and] drainage or from the lighting system.

(4) The Municipal Council may exempt any building or land from the whole or any portion of the scavenging tax if it is satisfied that the owner or occupier has made efficient arrangements for the daily removal therefrom of rubbish, filth and carcasses of animals.

(5) The Municipal Council may by a general resolution, exempt any building or land from the property tax -

(i) if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than [4][one hundred and eighty rupees] ; and

(ii) the proprietor does not own any other building or land assessed to the property tax and is not liable to profession or income-tax.]

[5]**[84. Taxation to be uniform .—** (1) The rate of any class of property tax on lands when levied on their annual value [6][under Section 81, sub-section (2)] may be lower than the rate of the same class of property tax on buildings but either rate shall be uniform throughout the municipal area on all buildings or on all lands liable to be taxed on their annual value, as the case may be :

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1 This *Explanation* was inserted by Section 64 (1) (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

2 Sub-section (2) to (5) were added by Section 64'(2) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

3 The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

4 Substituted for the words "eighteen rupees" by the Tamil Nadu District Municipalities (Amendment) Act, 1990 (Tamil Nadu Act 17 of 1990).

5 This section was substituted for the original section by Section 65 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

6 These words, figures and brackets were inserted by Section 3 of the Tamil Nadu District Municipalities (Amendment) Act, 1955 (Tamil Nadu Act XX of 1955),

* Omitted in respect of Chennai Metropolitan Areas only (See Schedule to Tamil Nadu Act 28 of 1978.

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Provided that the aggregate property tax leviable in the case of lighthouses, piers, wharves, jetties and passenger sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration shall not exceed 4 per cent of their annual value.

(2) The rate of any class of property tax shall be uniform throughout the municipal area on all lands liable to be taxed on their capital value.]

85. Property tax a first charge on property .- The property tax on buildings and lands shall, subject to the prior payment of land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

[1][86. **Property tax when payable** .—The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule IV, be paid by the owner of the assessed premises within thirty days after the commencement of the half-year.]

[2]**[87. Vacancy remission .—** (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the [3][Executive Authority] shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every demand for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

[4][(3) (a) No demand for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered notice to the Executive Authority —

(i) that the building is vacant and unlet; or

(ii) that the building will be vacant and unlet from a specified date either in the half-year in which notice is delivered or in the succeeding half-year.

1. This section was substituted for the original section by Section 66 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This section was substituted for the original section by Section 67, *ibid.*
3. These words were substituted for the word "Chairman" by Section17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. This sub-section was substituted for the original sub-section (3) by Section 6 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1934 (Tamil Nadu Act IV of 1935).

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(b) The period in respect of which the remission is made shall be calculated —

(i) if remission is sought in respect of the half-year in which notice is delivered from the date of delivery of the notice or from the date on which the building became vacant and unlet, whichever is later ; and

(ii) if remission is sought in respect of the half-year succeeding that in which the notice is delivered, from the commencement of the half-Year in respect of which remission is sought or from the date on which the building became vacant and unlet, whichever is later.

(c) Every notice under clause *(a)* shall expire with the half-year succeeding that during which it is so delivered, and shall have no effect thereafter.]

88. Obligation of transferor and transferee to give notice of transfer.

(1) Whenever the title of any person primarily liable to the payment of property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall, within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the [1][Executive Authority.]

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise shall give written notice of such transfer to the [1][Executive Authority] within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the [1][Executive Authority] may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the [1]Executive Authority] any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the' [1][Executive Authority] shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers but nothing in this section shall be held to affect —

(a) the liability of the transferee for the payment of the said tax ; or

(b) the prior claim of the Municipal Council under Section 85.

1 These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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[1][89. **Owner's obligation to give notice of construction, re-construction or demolition of building .—** (1) (a) If any building in a Municipality is constructed or re-constructed, the owner shall give notice thereof to the [2][Executive Authority] within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(b) If such date falls within the last two months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only for that half-year.

(c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) (a) If any building in a Municipality is demolished or destroyed, the owner shall, until notice thereof is given to the [2][Executive Authority] be liable for the payment of the property tax which would have been leviable had the building not been demolished or destroyed.

(b) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only for that half-year.

(c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the building only for that half-year as is proportionate to the number of days in that [3][half-year succeeding the demolition)] or destruction, as the case may be.]

[4]**[90. Remission of tax in areas included or excluded in the middle of a half-year.—** (1) If any area is included within a Municipality, the owner of every building or land in such area shall —

(a) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year; ; and

1 Sections 89 and 90 were substituted for the original Sections 89 and 90 by Section 68 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

2 These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

3 These words were substituted for the words "half-year preceding the demolition" by the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1938 (Tamil Nadu Act XIII of 1938).

4 Sections 89 and 90 were substituted for the original Sections 89 and 90 by Section 68 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(b) if such date falls within the first four months of a half-year, be entitled to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from a Municipality, the owner of every building or land in such area shall be entitled —

(a) if the date of such exclusion falls within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year ; and

(b) if such date falls within the last four months of a half-year, to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that [1][half-year succeeding such date.]

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the [1][Executive Authority] within three months from the date of the exclusion of the area in which the building or land is situated.]

91. Power of [2][Executive Authority] to call for information and to enter upon premises (1) For the purpose of assessing the property tax, the [2][Executive Authority] may, by notice, call on the owner or occupier of any land or building to furnish him, [3][within thirty days after the service of the notice, where the notice is served upon the Government, a railway administration or a company and within seven days after such service in other cases,] with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land [4][and with such other information *as* the [2][Executive Authority] may require,] and every owner and occupier on whom such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid, the [1][Executive Authority] may enter, inspect, survey and measure such building or land, after giving twenty-four hours' notice to the owner or occupier.

1. These words were substituted for the words "half-year preceding such date" by the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1938 (Tamil Nadu Act XIII of 1938).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. These words were substituted for the words "within the week after the service of the notice" by Section 69 *(a)* of the Tamil Nadu Act X of 1930).
4. These words were inserted by Section 69 (b), *ibid.*

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[1][***]

[1][92.***]

93-97-A [2][omitted]

TAX ON CARRIAGES AND ANIMALS

98. General provisions regarding tax on carriages and animals .-[3][(1) If the Council by a resolution determines that a tax on carriages and animals shall be levied, the [4][Executive Authority] shall levy the said tax half-yearly on carriages and animals kept [5][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 maxima 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 [5][or used] [6][***] 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 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 [5][or used] the same within the Municipality for sixty days in the half-year.

1. Section 92 and the heading thereto were omitted by Section 70 of the Tamil Nadu Act X of 1930).
2. Sections 93 to 97-A under the heading "profession tax" were omitted by the Tamil Nadu Tax on Professions, Trades, Calling and Employments Act, 1992 (Tamil Nadu Act 24 of 1992) with effect from 1st April 1992.
3. This sub-section was substituted for the original sub-section by Section 76 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. These words were inserted by the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
6. The words "or let out for hire" were omitted by Section 77 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. These words were substituted for the words "is leviable" by Section *77 (ii), ibid.*

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[1][(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 ;

(b) to pay 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[2] or Cantonment Board, whether under this Act, the Chennai City Municipal Act, 1919*([3][Tamil Nadu] Act IV 1919), the [3][Tamil Nadu] Local Boards Act, 1920 ([3][Tamil Nadu] Act XIV of 1920) [4][or the Cantonments Act, 1924 (Central Act II of 1924)[5], 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 .— The carriage and animal tax shall not be levied on —

(a) carriages and animals belonging to [5][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-maker's during the whole of the half-year.

[6][(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.

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1. This sub-section was substituted for the original sub-section (5) by Section 7 *(ii)* of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
2. Now, District Board.
3. 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, which came into force on the 14th January 1969.
4. Now, the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920) (This Act was repealed by the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).
5. This Act has been repealed and re-enacted as the Cantonment Act, 2003.
6. The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
7. The original clauses *(d)* and (e) were omitted and the original clause (f) was re-lettered *as* clause *(d)* by Section 8 *(i)* of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

* The short title of this Act has now been called as the Chennai City Municipal Corporation Act, 1919.

[1][***]

101. Composition .— With the sanction of the Council or in accordance with regulations framed by that body, the [2][Executive Authority] may compound, for any period not exceeding one year, with any livery-stable keeper or other person keeping 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 tax-payers .— (1) The [2][Executive Authority] shall send to every person supposed to have become liable to the payment of the [3][tax on carriages and animals] a printed table to be filled up with such information respecting the carriages and animals kept [4][or used] by him as the [2][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.

[5][(3) On the expiry of the period of one week referred to in sub-section (2), the [2][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 [2][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 [2][Executive Authority] shall grant him a licence to keep [6][or use] such carriage or animal for the period to which the payment relates.

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1. The proviso was omitted by Section 8 (ii) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. These words were substituted for the word "carriage or animal tax" by Section 79 (i) of the Tamil Nadu District Municipalities (Amendment) Act,1930 (Tamil Nadu Act X of 1930).
4. These words were inserted by Section 9 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
5. This sub-section was added by Section 79 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were inserted by Section 10 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

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104. Power to require numbers to be affixed to bicycles, etc.—(1) The [1][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 [2][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.

TAX ON CARTS

105. General provisions regarding cart-tax .— [3][(1) If the Council by a resolution determines that a tax shall be levied on carts, the [1][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 [4][or used] within the Municipality.]

[5][(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[6]

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1 These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

2 These words were inserted by Section 11 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

3 This sub-section was substituted for the original sub-section by Section 80 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

4 These words were inserted by Section 12 (i) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

5 This sub-section was inserted by Section 12 (ii) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

6 Now district board.

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or Cantonment Board, whether under this Act, the Chennai City Municipal Act, 1919* ([1][Tamil Nadu] Act IV of 1919), the [1][Tamil Nadu] Local Boards Act, 1920[2] ([1][Tamil Nadu] Act XIV of 1920), or the Cantonments Act, 1924 (Central Act II of 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 [4][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 [5][person who pays any tax to the Municipality] at all reasonable times without charge.

(7) This section shall not apply to carts belonging to [6][the Government] and used for military purposes, or carts kept solely for sale by cart-makers and dealers.

106. Power to remit tax .--[7][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] [8][***] 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 cart-maker's during the whole of the half-year.

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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, which came into force on the 14th January 1969.
2. Now, the Tamil Nadu District Board Act, 1920 (Tamil Nadu Act XIV of 1920).
3. Now district board.
4. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. These words were substituted for the words "tax-payer" by Section 80 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, .1930 (Tamil Nadu Act X of 1930).
6. The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
7. These words were substituted for the words "The Executive Authority may remit any portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept" by Section 13 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
8. The words "or let out for hire" were omitted by Section 81 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* The short title of this Act has now been amended as the Chennai City Municipal Corporation Act, 1919.

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[1][TAXES LEVIABLE UNDER SECTIONS 98 AND 105]

[1]**[106-A. Prepayment of municipal tax condition precedent to registration under [2][Tamil Nadu] Act V of 1911.—** Where the [2][Tamil Nadu] Hackney Carriage Act, 1911 ('[Tamil Nadu] Act V of 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.]

POWERS TO SEIZE CARRIAGES AND CARTS NOT BEARING NUMBERS

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 [I][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 [4][***] 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 [3][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 [3][Executive Authority] may direct; and

(iii) a sum of one rupee on account of charges incurred in connexion with the seizure, detention and sale.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the salve within ten days from the date of seizure or at any time before

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1. This heading and Section 106-A were inserted by Section 82 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. 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, which came into force on the 14th January 1969.
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. The word "motor-bicycle" was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

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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 [1][Executive Authority] may direct; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure and detention.

[1][TAX ON ADVERTISEMENTS]

107-A. 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 advertisement, 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 same; or

(c) relates to the name of the land or building upon or over which the

1. This heading (Sections 107-A to 107-F) was inserted by the Tamil Nadu Municipal Laws (Amendment) Act, 1998 (Tamil Nadu Act 51 of 1998).

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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, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building pr 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, 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 or 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,

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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.

107-B. 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.

107-C. 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 ;

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(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 disturbances of the advertisement or any part thereof ; and

(f) if the building, wall or structure upon or over which the. advertisement is erected, fixed or retained be demolished or destroyed.

107-D. 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.

107-E. Removal of unauthorised advertisement If any advertisement be erected; exhibited, fixed or retained contrary to the provisions of Section 107-A and 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.

107-F. Collection of tax on advertisement .—The Executive Authority may farm out the collection of any tax on advertisement 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 under Section 306.]

TAX ON SERVANTS

108. General provisions regarding servants tax .— (1) [1][If a hill station Municipal Council by a resolution determines] that a tax shall be levied on servants, [2][the [3][Executive Authority] shall collect] a monthly tax from the date

1 These words were substituted for the words "If the Chairman of a hill station Municipality publishes a notification under Section 80" by Section 83 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

2 These words were substituted for the words "he shall collect" by *ibid.*

3 These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

and at the rates (which shall not exceed two rupees a month for each servant) fixed by the Council and specified in the notification [1][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 [2][***] 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* 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 [3][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 [4][***] 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 lists of servants .—The [3][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.

[5][***]

[5]**[110. to 114** Omitted]

1. These words and figures were inserted by Section 83 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "or surcharge on the income-tax" were omitted by the Adaptation Order of 1937.
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. The words "or surcharge on the income-tax" were omitted by the Adaptation Order of 1937.
5. Sections 110 to 114 and the heading thereto were omitted by Schedule Ito the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

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[1][***1

[2][115. Omitted]

PILGRIM TAX

[3]**[116. Levy of pilgrim tax** (1) Where a Municipality is resorted to by pilgrims and the occasions for pilgrimage occur at intervals of years or 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 of 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 administrations concerned, and with the previous approval of the [4][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 period	Throughout the year
(1)	(2) Rs. A. P.	(3) 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

1. The heading "Surcharge on the Income-tax" was omitted by Section 8 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
2. This Section was omitted by the Adaptation Order of 1937.
3. This section was substituted for the original section by Section 88 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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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 [1][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 administration in the collection thereof ; and

(iv) the decision of disputes

(a) between Municipal Councils and between Municipal Councils and other local authorities, and

(b) [2][***]

between Municipal Councils and railway administrations in matters connected with the levy, collection or apportionment of the tax:]

[3][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.]

[4][116A. [***]
116B. [***]
116C. [***]]

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. The words "with the previous sanction of the Governor-General in Council" were omitted by the Adaptation Order of 1937.
3. This proviso was substituted by the Adaptation (Amendment) Order of 1950 for the original proviso as substituted by the Adaptation Order of 1937.
4. Section 116A to 116C was repealed by the (Tamil Nadu Duty on Transfer of Property in Municipal Areas) Tamil Nadu Act 32 of 2009

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117. Power to exempt from taxes .— With the sanction of the [1][State Government], the Municipal Council may exempt any person or class of persons wholly or in part from the payment of any tax [2][***]. [3][But nothing in this section shall be deemed to authorise the exemption of any person solely on the ground that he is a member of a Municipal Council.]

[4]**[117-A. Power to assess in case of escape from assessment .—** Notwithstanding anything to the contrary contained in 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 in 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

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. The words "or toll" were omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
3. This sentence was added by Section 89 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Inserted by the Tamil Nadu Municipal Laws (Amendment) Act, 1997 (Tamil Nadu Act of 1997) w.e.f. 27th December 1996.

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demanding payment thereof within fifteen days from the date of such service; and the provisions of this Act 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.]

[1]**[118. Power to write off irrecoverable taxes, etc .—** The Municipal Council may write off any tax, [2][***] fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion, such tax, [2][***] 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 [3][***] 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 [4][State Government] before [5][such date as may be fixed by them in that behalf]. The budget shall contain provision adequate in the opinion of the 4[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 [4][State Government] fails to make these provisions, the [4][State Government] may [6][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 [4][State Government] in the amount allotted for the service of debt or in the working balance.

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1. This section was substituted for the original Section 118 by Section 90, of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The word "toll" was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
3. The words "before the end of December" were substituted for the words "in the month of February" by Section 91 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930), and the words so substituted were omitted by Section 2 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1942 (Tamil Nadu Act VII of 1942), reenacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).
4. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
5. These words were substituted for the words "the end of February" by Section 91 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930)
6. These words were substituted for the words "alter any part of it" by *ibid.*

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122. Appointment of Auditors of accounts .— The [1][State Government] shall appoint Auditors of the accounts of 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 (Central Act XLV of **1860).**

123. Contributions to expenditure by other local authorities .—(1) If the expenditure incurred by the [1][State Government] or by any other Municipality to which this Act applies or by any other local authority in the [2][State of Tamil Nadu] for any purpose authorised 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 [1][State Government], make a contribution towards such expenditure.

(2) The [1][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 sub-section (1) should not be made.

(3) If the Municipal Council fails to show cause within the said period to the satisfaction of the [1][State Government], the [1][State Government] may direct it to make such contribution as [3][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.

[4][124-A. Recovery of loans and advances made by the State Government .— Notwithstanding anything contained in the Local Authorities Loans Act, 1914 (Central Act IX of 1914), the [1][State Government] shall be entitled to recover in the manner provided by sub-section (4) of Section 39 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.]

[5][**124-B. Constitution of Finance Commission .—** (1) The Finance Commission referred to in Article 243-I of the Constitution shall review the financial position of the Municipalities and [6][Third Grade Municipalities, Town Panchayats] and make recommendations to the Governor as to —

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order 1970, which was deemed to have come into force on the 14th January 1969.
3. These words were substituted for the words "as he shall name" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. This section was inserted by Section 92, *ibid.*
5. Inserted by the Tamil Nadu District Municipalities (Amendment) Act 1994 (Tamil Nadu Act 25 of 1994).
6. Substituted for the words "Town Panchayat" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 23 of 2004) w.e.f. 14th June 2004

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(a) the principles which should govern, —

(i) the distribution between the State Government and the Municipalities and the [1][Third Grade Municipalities, 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 [Third Grade Municipalities, 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 appropriate, by the Municipalities and the [1][Third Grade Municipalities, Town Panchayats] from the Consolidated Fund of the State ;

(iii) The grants-in-aid to the Municipalities and the [1][Third Grade Municipalities, Town Panchayats].

(b) the measures needed to improve the financial position of the Municipalities and the [1][Third Grade Municipalities, 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 [1][Third Grade Municipalities, Town Panchayats].

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Tamil Nadu Legislative Assembly.]

1. Substituted for the words "Town Panchayat" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act 23 of 2004) w.e.f. 14th June 2004.

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[1]CHAPTER-VI-A

TAX ON PROFESSION, TRADE, CALLING AND EMPLOYMENT

124-C. 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 any employer not covered by sub-clauses *(i)* and *(ii) ;*

(b) "employer" in relation to an employee earning any salary on a regular basis under his 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 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.

1 Chapter VI-A (Sections 124-C to 124-K) was inserted by the Tamil Nadu Municipal Laws (Second Amendment) Act, 1998 (Tamil Nadu Act 59 of 1998).

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124-D. Levy of profession tax .— (1) There shall be levied by the Municipal Council a tax on profession, trade, calling and employment.

(2)[1][Each branch or unit of a company, Hindu undivided family, firm corporation or other corporate body, society, club, body of persons or association which transacts business and every person,][1] 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 :—

SI. No.

THE TABLE.

(1)	Average half-yearly income. (2)		Half-yearly tax. (3)
	From	To	
1	Up to Rs. 21,000	···	Nil
2.	**Rs.** 21,001	**Rs.** 30,000	**Rs.** 60
3.	**Rs.** 30,001	**Rs.** 45,000	**Rs.** 150
4.	**Rs.** 45,001	**Rs.** 60,000	Rs. 300
5.	Rs. 60,001	**Rs.** 75,000	**Rs.** 450
6.	Rs. 75,001 and above	…	Rs. 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) [2][Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person][2] 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 (Central Act II of 1924) for the same half-year to any local authority or cantonment authority in the State of Tamil Nadu, [3][such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person][3] shall not be liable by reason merely of change of place of 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.

[4]***[(6) (xxx)]***

1. Substituted by Tamil Nadu Act 10 of 2009
2. Substituted by Tamil Nadu Act 10 of 2009
3. Substituted by Tamil Nadu Act 10 of 2009
4. The sub-section of (6) was omitted by Tamil Nadu Act 10 of 2009

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(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 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 and a 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 provisions of this Chapter.

(11) If no return is submitted by any person under sub-section (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

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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 return to, or correspondence with, the Executive Authority ;

(ii) quote such number in all chalans 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 of the tax levied immediately before the date of revision.

124-E. Employers liability to deduct and pay tax on behalf of the Employees . —

The tax payable by any person earning a salary or wages shall be deducted by his employer from the salary payable to such person, before such salary or wage is paid to 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 discharge the said liability.

124-F. 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.

124-G. Assessment of the Employer.— (1) The Executive Authority, if satisfied that any return filed by any employer under sub-section (1) of Section 124-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-F 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

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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.

124-H. 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 person 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.

124-I. 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.

124-J. 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 the 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 blind persons :

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Provided that such physically disability shall be duly certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

124-K. **Repeal and savings .—** (1) The Tamil Nadu Tax on Professions, Trades, Callings and Employments Act, 1992 (Tamil Nadu Act 24 of 1992) (hereafter 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 employments 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.

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PART IV

PUBLIC HEALTH, SAFETY AND CONVENIENCE

CHAPTER VII

WATER-SUPPLY, LIGHTING AND DRAINAGE

WATER-SUPPLY VESTING OF WORKS AND POWERS OF MUNICIPAL AUTHORITIES

125. Vesting of works in Municipal Councils .— (1) All public watercourses 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 :

[1][Provided that nothing contained in this section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.]

(2) The [2][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 objections, if any.

126. Construction and maintenance of water-works .— (1) The Municipal Council may, with the sanction of the [2][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

1. This proviso was added by Section 7 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1934 (Tamil Nadu Act IV of 1935).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

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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.

SUPPLY FOR DOMESTIC USE

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 [1][Executive Authority] to enforce provision for water-supply .-(1) In Municipalities in which there is a pipe supply of water, the [1][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 [1][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 [1][Executive Authority] that any dwelling-house assessed at an annual value of not less than two hundred rupees is without

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933). .

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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 [1]Executive Authority] may, by notice, require the owner to obtain such supply and to executive 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 or 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 [2][***], within the Municipality or for any ornamental or mechanical purpose,

(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.

[3][(4) * * *]

PRIVATE WATER-SUPPLY FOR NON-DOMESTIC PURPOSES

[4][132]. Power of [1][Executive Authority] to supply water for non-domestic purposes .— The [1][Executive Authority] may, at his discretion, supply

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. The words "tanks in or near temples and mosques" were omitted by Section 2 (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1936 (Tamil Nadu Act XXIII of 1936).
3. Sub-section (4) was omitted by Section 2(b) of the Tamil Nadu District Municipalities (Amendment) Act, 1936 (Tamil Nadu Act XXIII of 1936).
4. Sub-section (2) of Section 132 was omitted and sub-section (1) was renumbered as Section 132 by Section 3, *ibid.*

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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.

[1][PAYMENT FOR WATER.]

[1][132-A. 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 taps allowed, irrespective of the quantity of water consumed.]

SUPPLY BEYOND LIMITS OF MUNICIPALITY

133. Supply without the Municipality The Council may, with the sanction of and on such terms (if any) as may be approved by the [2][State Government], supply water to a local authority or other person without the Municipality.

CUTTING OFF WATER-SUPPLE

134. Power to cut off water-supply .— (1) The [3][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 connexion 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

1. This heading and Section 132-A were inserted by Section 4 of the Tamil Nadu District Municipalities (Amendment) Act, 1936 (Tamil Nadu Act XXIII of 1936).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][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 [1][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 [1][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 connexion with the water-supply, or prevents the [1][Executive Authority] 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 [1][Executive Authority] to be out of 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 placed, removed, repaired or otherwise interfered with in violation of the by-laws :

Provided that in cases under sub-clauses (e), (*f*), (*g*) and (h), the [1][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 n\m-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 [1][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.

1. These, words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 relaying or repairing pipes.

LIGHTING

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.

PUBLIC DRAINAGE

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.

PRIVATE DRAINAGE

138. Control over house-drains, privies and cess-pools .— All house-drains whether within or without the premises to which they belong and all private latrines and cesspools within the Municipality shall be under the control of the Municipal Council but shall be altered, repaired, cleansed, 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 [1][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 bylaws, for the connection of the applicant's drain with any public drain at a distance not exceeding three hundred feet therefrom at the applicant's 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 [2][or if within such distance a public drain or outfall is about to be provided or is in the process of construction] the [1][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 owner's expense.

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1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were inserted by Section 3 (i) of the Chennai City Municipal and District. Municipalities (Amendment) Act, 1942 (Tamil Nadu Act XXVII of 1942), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

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(3) If any premises are in the opinion of the [1][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 [1][Executive Authority] may, by notice, direct the owner of the said premises to construct a cesspool or septic tank or filters of such material, dimensions and description, in such position and at such level as the [1][Executive Authority] thinks necessary, and to construct a drain or drains emptying into cesspool, 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 [2][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 times 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. [1][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 [1][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 [1][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.

1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words and figures were substituted for the words, figures and letter "Section 84, clause (c)" by Section 93 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(2) No drain may be closed, discontinued or destroyed by the [1][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 [1][Executive Authority] and of any work done under clause (1) (a) shall be paid by the Council.

141. Power of [1][Executive Authority] to drain premises in combination .— (1) When the [1][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 [2][about to be provided or in the process of construction] may be drained more economically or advantageously in combination than separately, the [1][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 [1][Executive Authority] to be best suited therefor and the expenses incurred by the [1][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 [1][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 of such premises and shall in the proportion in which it is determined that they are to contribute to the expenses incurred by the [1][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 drain .--(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,

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1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "about to be constructed" by Section 3(ii) of the Chennai City Municipal and District Municipalities (Amendment) Act, 1942 (Tamil Nadu Act XXVII of 1942), re-enacted permanently by Section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I), Act 1948 (Tamil Nadu Act VII of 1948).

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obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The [1][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 shall be recoverable from the owner thereof in the manner provided in Section 344.

143. Construction of culverts or drain-coverings by owner or occupier. —

(1) The [1][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 [1][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 [1][Executive Authority], put up and thenceforward 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 [1][Executive Authority] may permit.

PUBLIC LATRINES.

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.

PRIVATE LATRINES.

146. Provision of latrines by owner or occupier .— (1) The [1][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.

1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(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 [1][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 [1][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 [1][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.

GENERAL POWERS

150. Power to carry wire, pipes, drains, etc., through private property subject to causing at little inconveniences as possible and paying for direct damage .— The [1][Executive Authority] may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply[2] 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 [3][Government] [4][***]] 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

1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. For the purpose of Municipalities, Third Grade Municipalities and Town Panchayats within the Chennai Metropolitan Development Area, the words “Water Supply” in section 150 and the words “or with the house connection of any other person” in section 151 shall be omitted vide section 85 and Part-II of the schedule to the Chennai Metropolitan Water Supply and Drainage Act, 1978 (Tamil Nadu Act 28 of 1978).
3. This word was substituted for the words "owned by the Government of India" by the Adaptation Order of 1937.
4. The words "and under the control of the Central Government" were omitted by the Adaptation (Amendment) Order of 1950.

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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 [1][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 [1][Executive Authority], make any connexion with any municipal cable, wire, pipe, drain or channel [or with the house connexion of any other person.]

(2) The [1][Executive Authority] may, by notice, require any connexion 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 undertake new works beyond the limits of the Municipality without the sanction of the [2][State Government].

(2) The Council may, in the execution and for the purpose of any works beyond the limits of the Municipality sanctioned by the [2][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 through which conduits, channels, pipes, lines of posts and wires and the like run, and with the sanction of the [2][State Government]

(a) over any lake, tank or reservoir, from which a supply of water [3][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 [3][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.

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1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. For the purpose of Municipalities, Third Grade Municipalities and Town Panchayats within the Chennai Metropolitan Development Area, the words “for drinking” in clauses (a) and (b) of sub section (2) of section 152 shall be omitted vide section 85 and Part-II of Schedule to the Chennai Metropolitan Water Supply and Drainage Act, 1978 (Tamil Nadu Act 28 of 1978).

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CHAPTER VIII.

SCAVENGING

153. Municipality to arrange for the removal of rubbish and filth.- Every Municipal Council shall make adequate arrangements for —

(a) the regular sweeping and cleansing of the streets and removal of sweepings therefrom ;

(b) the daily removal of filth and the carcasses of animals from private premises ; and

(c) the daily removal of rubbish from dustbins and private premises ; and with this object it shall provide —

(i) depots for the deposits of filth, rubbish and the carcasses of animals ;

(ii) covered vehicles or vessels for the removal of filth ;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish ;

(iv) dustbins for the temporary deposit of rubbish.

[1]**[154.** ***]

[1]**[155.** ***1

[2]**[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 nonrecurring contribution as the [3][State Government] may determine to the funds of the Municipal Council.]

1. This section was omitted by Section 94 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This Section was substituted for the original section by Section 95 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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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 quarry, jetty or landing-place, or on the bank of a water-course or tank ; or

(b) deposit filth or carcasses of animals in any dustbin 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.

[1]**[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 [2][Executive Authority] so as to the construction, repair, paving or cleansing of any latrine on or belonging to his premises.

[3][* * *]

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 cesspool 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 drains .—No person shall put or cause to be put any rubbish or filth into any public drain not intended for rubbish or filth or into any drain communicating with any such public drain.

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1. Sub-section (1) of Section 158 was omitted and sub-section (2) was renumbered as Section 158 by Section 96 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. The proviso to Section 158 as renumbered was omitted by Section 96 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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CHAPTER IX.

STREETS.

Public streets.

162. Maintenance and repair of streets.— [1][(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.

[1][(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.]

[2]**[162-A. Planting and preservation of avenue trees .—** The Municipal Council shall, 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 [1][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 street.— (1) When a public street is permanently closed under Section 163, the Municipal Council

1. Section 162 was -re-numbered as sub-section (1) of Section 162 and a new sub-section (2) was added by Section 97 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. Inserted by the Tamil Nadu Act 23 of 1987.

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may, with the sanction of the [1][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 [2][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 the purpose of 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 buildings, 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 description 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 [2][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.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(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 [1][the] permission of the [2][Executive Authority] who may when granting [1][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 l66, the [2][Executive Authority] may, whenever it is proposed —

1. This word was inserted by Section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).
2. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(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, re-construct or make any addition to any portion of such building which is within the street alignment, in any order which he issues concerning the re-building, 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 [1][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 [1][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 a 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 [1][Executive Authority] is erected along the said line.

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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, their intended width and such other details as may appear desirable.

(2) The width of such proposed street shall not [1][ordinarily] be less than forty feet, or in any area covered by huts, twenty feet.

[2][***]

(3) It shall be the duty of the Council to lay out public streets 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 [3][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, [4][water-supply] or lighting or any of the purposes of this Act :

Provided that such work shall be completed and such street re-opened 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 [3][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

1. This word was inserted by Section 98(i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The proviso to sub-section (2) was omitted by Section 98(ii), *ibid.*
3. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. Omitted in the respect of Chennai City Metropolitan Development Authority. See Schedule to the Tamil Nadu Act 28 of 1978.

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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.

[1][174-A.* * *]

PRIVATE STREETS

175. Owner's obligation to make a street when disposing land as building sites .— If the owner of any land utilises, 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 streets .— (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, *[sewering,] 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.

1. Section 174-A was omitted by Section 6 (i) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).

* Tamil Nadu Act 28 of 1978.

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(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 [1][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 [1][Executive Authority] or if such alteration be impracticable, why such street should not be demolished, or

(b) require the offender to appear before the [1][Executive Authority] either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

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1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(2) If any person on whom such notice is served fails to, show sufficient cause to the satisfaction of the [1][Executive Authority] why such street should not be so altered or demolished, the [1][Executive Authority] may pass an order directing the alteration or demolition of such street.

178. **Power of [1][Executive Authority] to order work to be carried out or to 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 [1][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 [1][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 [1][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.

Encroachment on streets

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.

[2]**[180-A. Public streets 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 [1][Executive Authority], be hung or placed so as to open outwards upon any street.

(2) The [1][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

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This section was inserted by Section 2 of the Tamil Nadu District Municipalities (Amendment) Act, 1929 (Tamil Nadu Act XVII of 1929).

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182. Removal of encroachments .— (1) The [1][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 person who suffers damage by the removal or alteration of the same.

183. Power to allow certain projections and erections .— (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 streets 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][(2) The [1][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 subsection (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 [3][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).

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1. These words were substituted for the word "Chairman" by Section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. Sub-sections (2) to (6) were substituted for the original sub-sections (2) and (3) by Section 100 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. The words "Provincial Government" were substituted, for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(6) On the expiry of any period for which a licence has been granted under this section, the [1][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 [1][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 [1][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 [1][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 .—(l) No person shall make a hole or cause any obstruction in any street, unless, he previously obtains the permission of the [1][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

1. These words were substituted for the word 'Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933). .

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rendered inconvenient by means of such work, he shall first obtain a licence from the' [1][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 [1][Executive Authority] may, by notice allow, clear the street of such obstruction.

[2][NAMING OF STREETS, ETC.]

189. [2][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

[3][***J

(2) The [1][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 [1][Executive Authority].

NUMBERS ON BUILDINGS

190. Numbering of buildings .— (1) The [1][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.

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1. These words were substituted for the word 'Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. Substituted by the Tamil Nadu Act 30 of 1979.
3. Proviso was omitted by the Tamil Nadu Municipal Laws (Amendment) Act, 1990 (Tamil Nadu Act 19 of 1990).

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(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 [1][Executive Authority] may, by notice, require him to replace it.

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1 These words were substituted for the word 'Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

CHAPTER X.

BUILDING REGULATIONS.

GENERAL POWERS.

191. Building rules .— (1) The [1][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 subsection (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;

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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[1][(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 party walls, roofs and floors ;

(i) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, [2][cesspools] ;

(*j)* paving of yards ;

(k) restrictions on the use of inflammable materials in building ; and

[2][(*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 [3][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

1. Inserted by Tamil Nadu Act 23 of 1987.
2. Omitted in respect of Chennai City Metropolitan Development Authority. See the Tamil Nadu Act 28 of 1978.
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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(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, warehouses, factories, 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 [1][Executive Authority] shall publish any declaration so confirmed and it shall take effect from the date of application.

(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 .— 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 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 [1][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 streets shall be constructed or reconstructed so as to open outwards except with the [2][licence of the Executive Authority] under Section 181.

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "Chairman's licence" by Section 17(2), *ibid.*

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[1]*BUILDINGS OTHER THAN HUTS*

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 [2][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.

[3]***[Explanation*** .—[1]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 [2][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 [2][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 [2][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 [2][Executive Authority] is to grant or refuse to grant permission to execute work .— Within thirty days after the receipt

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1. Under Section 5-A(1) of the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), shall not apply to any application made under that section by any person who intends to use any site for constructing a building thereon for the exhibition of cinematograph films, or to construct or reconstruct any building for such exhibition, or to install any machinery in any place where cinematograph exhibitions are proposed to be given.
2. These words were substituted for the word "Chairman' by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. This Explanation was added by Section 101 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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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 [1][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 [1][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 [1][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 [1][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

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(6) that the proposed building would be an encroachment upon [1][Government or municipal land.]

Whenever the [2][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 [2][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, order 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 [2][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 [2][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.

WELLS

207. Application of certain sections to wells .— The provisions of Section

1. The words "Crown or municipal land" were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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197, Section 198, Section 199, Section 204, Section 205 and Section 206 shall [1][not apply to water works and sewerage works within the meaning of the Chennai Metropolitan Water Supply and Sewerage Act, 1978].

HUTS

208. Application to construct or reconstruct huts.— (1) Every person who intends to construct or reconstruct a hut shall send to the [2][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 [2][Executive Authority] has granted permission for the execution of the work on an application sent to him under Section 208.

210. Period within which [2][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 [2][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 [2][Executive Authority] delays passing orders .— (1) If, within the period prescribed by Section 210, the [2][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.

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1. Substituted by the Tamil Nadu Act 28 of 1978.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][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 [2][Government or municipal land.]

Whenever the [1][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.

EXTERNAL WALLS ALTERATIONS AND ADDITIONS.

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 [1][Executive Authority] .

215. Application of provisions to alterations and additions .- (1) The provisions of this chapter and of any rules of 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

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. The words "Crown or municipal land' were substituted for the words "Government or municipal land" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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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.

[1]**[215-A. Provision of Rain Water Harvesting Structure .—** (1) In every building owned or occupied by the Government or a statutory body or a company or an institution owned or controlled by the Government, rain water harvesting structure shall be provided by the Government or by such statutory body or company or other institution, as the case may be, in such manner and within such time as may be prescribed.

(2) Subject to the provisions of sub-section (1), every owner or occupier of a building shall provide rain water harvesting structure in the building in such manner and within such period as may be prescribed.

Explanation.— Where a building is owned or occupied by more than one person, every such person shall be liable under this sub-section.

(3) Where the rain water harvesting structure is not provided as required under sub-section (2), the Executive Authority or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expense thereof in the same manner as property tax.

(4) Notwithstanding any action taken under sub-section (3), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.]

POWERS OF THE [2][EXECUTIVE AUTHORITY]

216. Demolition or alteration of building work unlawfully commenced, carried on or completed. - (1) If the [2][Executive Authority] is satisfied —

(i) that the construction or reconstruction of any building [3][or well] —

1. 1 Inserted by the Tamil Nadu Municipal Laws (Second Amendment) Act, 2004 (Tamil Nadu Act 33 of 2003).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. Omitted in respect of Chennai City Metropolitan Development Authority. See the Tamil Nadu Act 28 of 1978.

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(a) has been commenced without obtaining the permission of the [1][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 alteration of or addition to any building or any other work made or done for any purpose, in, to 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 [1][Executive Authority], has been unlawfully executed or to make such alterations as may in the opinion of the [1][Executive Authority] be necessary to bring the work into conformity with the Act, by-laws, rules, direction or requisition 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 proceeding with the building or well.

(2) The [1][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 [1][Executive Authority], the [1][Executive Authority] may confirm the order with any modification he may think fit to make, and such order shall, then, be binding on the owner.

EXEMPTIONS

217. Exemptions .— (1) Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summerhouse (not being a dwelling-house), poultry-house or aviary, shall be exempted

1. These words were substituted for the word 'Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][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 [1][Executive Authority] may, by notice, require the owner of such hut or shed to demolish it.

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1 These words were substituted for the word “Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

[1]CHAPTER X-A

BUILDING REGULATIONS IN HILL STATIONS

217-A. Application of Chapter.— This Chapter shall apply only to hill stations.

217-B. 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 .— *F or* the purpose of the provisions of this Chapter, *"agriculture"* includes, horticulture, fruit growing, seed growing, animal husbandry (including breeding of livestock), apiculture, pisciculture and sericulture and *"agriculture"* 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 nonagricultural 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, 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.

1. Chapter X-A was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1992 (Tamil Nadu Act 58 of 1992) w.e.f. 9th December 1992.

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(b) Where the Committee raises any objection to the proposed construction or reconstruction or putting to use any agricultural land to nonagricultural 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 reconstruction of building or putting to use any agricultural land to nonagricultural purpose or the carrying out 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.

217-C. 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.

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(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 the 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 number and height of the storeys of which the building may exists.

(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 ;

(1) 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 ;

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(n) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fireplaces and chimneys;

(o) the height and slope of the roof above the upper-most 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.

217-D. 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.

[1][**217-DD. Grant of licence by the Executive Authority in certain** cases .— (1) Notwithstanding anything contained in Sections 217-B, 217-C, 217D and 217-P, the Executive Authority shall, on receipt of an application under sub-section (1) of section 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 this Chapter 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 of destruction or 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:

1. Substituted by the Tamil Nadu District Municipalities (Second Amendment) Act, 1998 (Tamil Nadu Act 10 of 1998).

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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 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.]

217-E. Power to cancel or suspend licence .— (1) [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.

217-F. Period of licence .— Every licence granted under [1][Section 217-D or Section 217-DD] as the case may be 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 [1][the State Government or the Executive Authority, as the case may be], on application made therefor has extended the period of licence.

217-G. 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 —

1. Substituted by the Tamil Nadu District Municipalities (Second Amendment) Act, 1998 (Tamil Nadu Act 10 of 1998).

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(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 [1][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.

217-H. 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.

217-I. 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.

1. Substituted by the Tamil Nadu District Municipalities (Second Amendment) Act, 1998 (Tamil Nadu Act 10 of 1998).

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***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.

217-J. Power to stop work .— (1) The State Government [1][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 there of, 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 [1][or the Executive Authority as the case may be,] the construction or reconstruction of the building or part thereof, the user of the building or land or the user of any agricultural land for non-agricultural purpose or the carrying out of the building, engineering, mining or other allied operations is in contravention 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..[1][or the Executive Authority as the case may be] may have such direction 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 arrear of land revenue.

217-K. 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.

1 Substituted by Tamil Nadu Act 10 of 1998.

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(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 relates 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.

217-L. 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.

217-M. Bar of 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 [1][or the Executive Authority as the case may be] ;

(b) any terms and conditions subject to which any such licence is granted ;

1 Substituted by Tamil Nadu Act 10 of 1998.

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(c) any direction issued under Section 217-J ;

(d) any order passed by the State Government under Section 217-K; or

(e) the operation of any of the provisions of this Chapter or the rules made thereunder.

217-N. Civil Courts not to decide questions under this Chapter. — No Civil Court shall have jurisdiction to decide or deal with any question which is by or under this Chapter required to be decided or dealt with by the State Government [1][or the Executive Authority as the case may be]

217-O. 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.

217-P. 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.

[2][(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 in that district with such number of officials and non-officials and having such qualification as may be prescribed.

(b) The terms 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 nonofficial 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-

1. Substituted by Tamil Nadu Act 10 of 1998.
2. Inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1997 (Tamil Nadu Act 2 of 1997).

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section, as they apply in relation to the Committee constituted under clause *(a)* of sub-section (3) of Section 217-C.]

[1]**[217-Q. 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 ecosystem 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.]

VALIDATION PROVISION NOT INCORPORATED IN THE ACT

Validate of acts done or proceedings taken or orders issued . — Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any Court or other authority, all acts done, proceedings taken or orders issued by the State Government exempting any building or class of buildings from any of the provisions of the principal Act or relaxing any of the rules made under Chapter X or Chapter X-A of the principal Act in respect of any building or class of buildings, during the period commencing on the 19th day of December 1992 and ending with the date of publication of this Act in the Tamil Nadu Government Gazette shall, for all purposes, be deemed to be and to have always been validly done, taken or issued in accordance with law, as if Section 217-Q of the principal Act, as amended by this Act, had been in force at all material times when such acts, proceedings or orders were done, taken or issued.

1. Section 217-Q substituted by Tamil Nadu Act 52 of 1994.

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CHAPTER XI

NUISANCES

DANGEROUS STRUCTURES, TREES AND PLACES

218. Precautions in case of dangerous structures .— (1) If any structure appears to the [1][Executive Authority] to be in *a* ruinous state and dangerous to *the* passers-by *or* to the occupiers of neighbouring structures, the [1][Executive Authority] may, by notice, require the owner or occupier to fence off, take down, secure *or* repair such structure so as to prevent any danger therefrom.

(2) If immediate action is necessary, the [1][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 [2][opinion of the Executive Authority],: the said structure is imminently dangerous to the inmates thereof, the [1][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 or the fruit of any tree appears to the [1][Executive Authority] to be likely to fall and thereby endanger any person or any structure, the [1][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 [1][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.

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1. These words were substituted for the word “Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "Chairman's opinion" by Section *17(2), -ibid.*

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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 [1]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 yin the opinion of the [1][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 [1][Executive Authority] may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing 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 [1][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 [1][Executive Authority] may think necessary to prevent danger from fire.

(2) The [1][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 [1][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 re-construct 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

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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.

Control over waters, etc.

[1]**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 [2][Executive Authority].

(2) The [2][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 [2][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 [1][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 subsection (1).

224. **Filling in of pools, etc., which are a nuisance .—** (1) If in the opinion of the [2][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 [2][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 [2][Executive Authority] shall direct or to take such order with the same for removing or abating the nuisance as the [2][Executive Authority] shall direct.

1. The application of this section is omitted in respect of the areas covered under the Chennai City Metropolitan Development Authority by the Tamil Nadu Act 28 of 1978.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(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 [1][Executive Authority] within the time specified for compliance therewith written objections to such requisition, the [1][Executive Authority] shall report such objections 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 [1][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 Council's 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 [1][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 [1][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 [2][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 [3][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 practised 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 [4][or well used for drinking] .(1) The [1][Executive Authority] may, by notice, require the owner of or person having control over any private water-course, spring, tank, well or other place, the water of which is [4][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

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "Sanitary Commissioner" by Section 102 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930)..
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. Omitted in respect of Chennai City Metropolitan Development Authority by the Tamil Nadu Act 28 of 1978.

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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 [1][Executive Authority] to be unfit for the purpose, the [1][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 receptacle of stagnant water .— The Municipal Council shall maintain in a cleanly condition 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-.

[2][**227-A. 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 fishing or drinking in public water-courses, tanks, etc .—The Council may, in the interests 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 washer-men of their calling.

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This section was inserted by Section 3 of the Tamil Nadu District Municipalities (Amendment) Act, 1929 (Tamil Nadu Act XVII of 1929).

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230. Prohibition against washing by washermen at unauthorised 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 hirer, 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.

[1]**231. Prohibition against defiling of water 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 bathing 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 thereinto or do anything whereby the water may be fouled or corrupted.

CONTROL OVER ABANDONED LANDS, UNTRIMMED HEDGES, ETC

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

1. Omitted in respect of Chennai City Metropolitan Development Authority by the Tamil Nadu Act'28 of 1978.

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[1][Executive Authority] becomes a nuisance, the [1][Executive Authority] may, after due inquiry by notice, 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 [1][Executive Authority] may by notice require the owner or occupier of any building or land which appears to him to be in a 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 [1][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 [1][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 [1][Executive Authority] may determine; or

(c) cut and trim any hedges or trees overhanging the said street and obstructing it or 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.

CONTROL OVER INSANITARY BUILDINGS

235. Limewashing and cleansing of buildings .— The [1][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 [2][notice].

236. Further powers with reference to insanitary buildings .—(1) Whenever the [1][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

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This word was substituted for the word "order" by Section 103 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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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 re-construction, 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 re-construction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

237. Buildings unfit for human habitation .— (1) If any building or portion thereof intended for or used as a dwelling-place appears to the [1][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 owner 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 [1][Executive Authority] shall communicate the purport thereof to the owner 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 [1][Executive Authority] certifies in writing that the causes rendering it unfit for

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][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 [1][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 [1][Executive Authority]. considers that it can be so made fit, the [1][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 over-crowding in dwelling-house or dwelling-place .— (1) If it appears to the [1][Executive Authority] that any dwelling-house or other building which is used as a dwelling-place, or any room in such dwelling-house or building, is so overcrowded 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 superficia1. 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,

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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).

CONTROL OVER CERTAIN ANIMALS

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.

GENERAL

242. Power of [1][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 [1][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 [1][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 [1][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.

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1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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CHAPTER XII.

LICENCES AND FEES.

[1][GENERAL EXEMPTION.]

[1][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 [2][State] Government or of a market committee established under the Madras Commercial Crops Markets Act, .1933 (Tamil Nadu Act XX of 1933)*, or in respect of any [3][Government] property or of any property belonging to such market committee.]

KEEPING OF ANIMALS.

245. Licences for places in which animals are kept .— (1) The owner or occupier of any stable, veterinary infimary, stand, shed, yard, or other place in which quadrupeds are kept or taken in for purposes of profit [4][shall apply to the 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 [5][Executive Authority] may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence :

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1. This heading and section 244 were substituted for the original heading and section 244 by section 14 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
2. This word was substituted for the word "Provincial" by the Adaptation Order, 1950.
3. This word was substituted for "Crown" by *ibid.*
4. These words were substituted for the words "shall" in the first month of every year, or in the case of a place to be newly opened, within one month before the opening of such place, apply to the Executive Authority for a licence for the use of the same for any such purpose of profit" by section 15 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
5. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

*See now, the Tamil Nadu Agricultural Produce Markets Act, 1959 (Tamil Nadu Act 23 of 1959).

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Provided that this section shall not apply to any such place licensed as a place of public entertainment or resort under the [1][Tamil Nadu] Places of Public Resort Act, 1888 ([1][Tamil Nadu] Act II of 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 [2][Executive Authority] as regards their site, construction, materials and dimensions.

(2) The [2][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 [2][Executive Authority] may, by noice, 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.

[3] [**248**. ***]

INDUSTRIES AND FACTORIES

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

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1. The word "Madras" in the short title was inserted by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955). For the word as so inserted and the word "Madras" in the citation the words "Tamil Nadu" were substituted by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. This section was omitted by section 104 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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of such limits shall be used for any one or more of the purposes specified in Schedule V without the [1][licence of the Executive Authority] and except in accordance with the conditions specified therein:

[2][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 [3] [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 [4][Executive Authority] for a licence for the use of such place for such purpose.

(3) The [4][Executive Authority] may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) Ever such licence shall expire at the end of the year unless for special reasons the [4][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 [5][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 [5][not less than thirty and not more than ninety days] before they are opened.

[6][(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 [7][State] Government may, by general or special order, direct.]

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1. These words were substituted for the words "Chairman's licence" by section 17(2) of the Tamil Nadu District Municipalities (Amendment). Act, 1933 (Tamil Nadu Act XV of 1933).
2. This proviso was substituted for the original proviso by section 100 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act,. 1933 (Tamil Nadu Act XV of 1933).
5. These words were substituted for the words "not less than thirty days," by section *16 (i)* of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
6. This sub-section was added by section *16(ii) ibid.*
7. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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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, [1][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](2) The application [3][shall specify the maximum number of workers proposed to be [4][***] employed [5][on any day] in the factory, workshop, workplace or premises and] shall be accompanied by

(1) 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 [6][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.

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1. These words were inserted by section 17 *(i)* of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
2. This sub-section was substituted for the original sub-section by section 106 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were inserted by section 17 *(ii)* of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
4. The word "simultaneously" was omitted by the Schedule to the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
5. These words were substituted for the words "at any time" by *ibid.*
6. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937, and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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[1][(4) Before granting permission under sub-section (3), the Municipal Council —

(a) shall [2][if more than nine workers are proposed to be [3][***] employed [4][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 [5](Central Act XII of 1911), having jurisdiction in the area of the Municipality, or if there is more than one such Inspector, of the Inspector designated by the [6][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 mattes as may be prescribed by rules made by the [6][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 [7][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].

[8][(5)] More than nine workers shall not be [9][***] employed [10][on any day] in any factory, workshop, work-place or premises, unless the permission

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1. This sub-section was substituted for the original sub-section by section *106 (ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were inserted by section 17 (iii) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
3. The word "simultaneously" was omitted by the Schedule to the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tami Nadu Act IX of 1948).
4. These words were substituted for the words "at any time" *by ibid.*
5. See now the Factories Act, 1948 (Central Act LXIII of 1948).
6. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
7. These words were substituted for the words "district medical officer" by section 17 (iv) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
8. Sub-sections (5) and (6) and the Explanation were substituted for original sub-section (5) by section 17 (v), *ibid.*
9. The word "simultaneously" was omitted by the Schedule to the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
10. These words were substituted for the words "at any time" by *ibid*

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granted in respect thereof under sub-section (3) authorises such employment, or unless fresh permission authorising 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 necessity for compliance 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, work-shop, work-place or premises, have the same meaning in the Factories Act, 1934. (Central Act XXV of 1934)[1]]

[2][(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, bylaws, 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.

1. See now the Factories Act, 1948 (Central Act LXIII of 1948).
2. These sub-sections were added by section 3 (i) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1974 (Tamil Nadu Act 39 of 1974).

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(2) If there has been willful 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, work-shop or work-place between the hours of 9.30 p.m. and 5.30 a.m.

252. Power of the [1][State Government] to pass orders or give directions to Municipal Council .— The [1][State Government] may, either generally or in any particular case, make such order or give such directions as [2][they may deem fit] in respect of any action taken [3][or omitted to be taken] [4][***] under section 250 or section 251.

253. The [5][Executive Authority] may enter any factory, work-shop or work-place .— (1) The [5][Executive Authority] or any person authorised 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 neces Cary for the purpose of effecting an entrance under this section.

SLAUGHTERING

254. Provision of Municipal slaughter-houses .— (1) The Municipal Council shall provide a sufficient number of places for use as municipal slaughterhouses and may charge rents and fees for their use [6][at such rates as it may think fit.]

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "he may deem fit" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were inserted by section 107 (i), *ibid.*
4. The words "by the Municipal Council" were omitted by section 107 (ii), *ibid.*
5. These words were substituted for the word "Chairman" by section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
6. These words were added by section 18 (i) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) 1948 (Tamil Nadu Act IX of 1948).

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[1][(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-hoses may be situated within, or with the sanction of the [2][State Government], without the Municipality.

255. Licence for slaughter-houses .— (1) The owner of any place [3][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, [4][***] [5][shall apply to the Executive Authority for a licence not less than thirty and not more than ninety days before the opening of such place as a slaughter-house or the commencement of the year for which the licence is sought to be renewed, as the case may be] :

[6][Provided that this sub-section shall not take effect in any area outside the municipal limits except with the previous sanction of the [2][State Government].]

(2) The [7][Executive Authority] may, by an order and subject to such restrictions and regulations as to supervision and inspection and as he thinks fit, grant or refuse to grant such licence.

256. Slaughter of animals during festivals and ceremonies .—The [7][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.

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1. This sub-section was substituted for original sub-section (2) buy section 18 (ii), the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) 1948 (Tamil Nadu Act IX of 1948).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation order of 1950.
3. These words were substituted for the words "in the Municipality" by section 108 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The words " or any place within three miles of the municipal limits wich is used *as* a slaughterhouse for the slaughtering of animals intended for food to be consumed within the Municipality" were omitted by *ibid.*
5. These words were substituted for the words "shall in the first month of every year, or in the case of a place to be newly opened, one month before the opening of the same, apply to the Executive Authority for a licence" by section 19 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
6. This proviso was added by section 108(2) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. These words were substituted for the word "Chairman" by section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][Executive Authority] or dry or permit to be dried any skin in such a manner as to cause a nuisance :

Provided that the [1][Executive Authority] may authorise any person to slaughter, without licence and without the payment of any fee, any animal for the purpose of a religious ceremony.

THE MILK TRADE

258. Regulation of milk trade .— (1) No person shall, without or otherwise than in conformity with a licence from the [1][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 [1][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.

MARKETS, BUTCHERS, FISHMONGERS, HAWKERS

259. Public Markets .— All markets which are [2][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.

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1. These words were substituted for the word "Chairman" by section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This word was inserted by section 109 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act of 1930).
3. A semi colon was substituted for the full stop at the end of the original section and these words were added by section 4 of the Tamil Nadu District Municipalities (Amendment) Act, 1939 (Tamil Nadu Act XVII of 1929).

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[1][(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 [2][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 [3][State Government], close any public market or part thereof.

261. Control of the [4][Executive Authority] over Public Markets .(1) No person shall, without the permission of the [4][Executive Authority], or if the [5][fees] have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) The [4][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.

1. This sub-section was substituted for the original sub-section by section 110 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were inserted by section 20 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial by the Adaptation Order of 1950.
4. These words were substituted for the word "Chairman" by section 17(1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. This word was substituted for the words "rents and fees" by section 111 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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[1]**[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 [2][not less than thirty 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 renewed], 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, [3][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 [4][in a regional language] of the district to be posted 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.]

[5][**262-A**. **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

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1. This section was substituted for the original section by section 112, of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the words "not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought" by section 21 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).
3. Omitted in respect of Chennai City Metropolitan Development Authority by the Tamil Nadu Act 28 of 1978.
4. These words were substituted for the words "a vernacular language" by section 3 of, and the second Shedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
5. This section was inserted by section 113 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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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 approaches, entrances, passages, gates, drains and cesspits for such market 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, until 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 [1][specified] by the Council.

1. This word was substituted for the word "notified" by section 2 (ii) of the Tamil Nadu District Municipalities and Local Boards (Second Amendment) Act, 1944 (Tamil Nadu Act XVIII of 1944), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re- enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

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267. Power to close Private Markets .— The Council or any officer duly authorised by it in that behalf may close any Private Market in respect of which no licence has been applied for or [1][***] the licence for which has been refused, withheld or suspended [2][or which is held or kept contrary to the provisions of this Act.]

[3]**[267-A. 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 (Central Act I of 1894) and such rights shall be deemed to be land for the purpose 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 in charge 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. Butcher's, fishmonger's and poulterer's licence. — (1) No person shall, without or otherwise than in conformity with a licence from the [4][Executive Authority], carry on the trade of a butcher, fishmonger or poulterer, or use any place for the sale or flesh of 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 :

[5][Provided further that no licence shall be required for any place included in a public market as defined in section 167 of the [6][Tamil Nadu] Local Boards Act, 1920[7]([6][Tamil Nadu] Act XIV of 1920).]

1. The words "any Private Market" were omitted by section 114 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were added by *ibid.*
3. This section was inserted by section 115 *ibid.*
4. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. This proviso was added by section 116, of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act x of 1930).
6. 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, which came into force on the 14th January 1969.
7. Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

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(2) The [1][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 [1][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 [1][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 [2][animals or] articles in or on any public street or part thereof.

[3][270-A. 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 [4][State Government] and the decision of the [4][State Government] on the question shall be final.]

[5]***[CART-STANDS]***

[5]**[270-B. Provision of public cart-stands, etc. .—** (1) The Municipal Council may construct or provide [6][and maintain] public landing places, halting places and cart-stands and may levy fees for the use of the same.

[7][(1-A) The Council may

(a) place the collection of any such fees under the management of such persons as may appear to it proper; or

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were inserted by section 117 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This section was inserted by section 118, *ibid.*
4. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
5. Sections 270-B to 270-E and the heading thereto were inserted by section 118 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were inserted by section 2 (1) of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1941 (Tamil Nadu Act XII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).
7. Sub-sections (1-A) and (1-B) were inserted by section 2 *(ii) ibid.*

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(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 (Tamil Nadu Act XII of 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 [1]including motor vehicles within the meaning of the Indian Motor Vehicles Act, 1914[2] and animals.]

[3]**[270-C. 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 [4][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.]

[5]**[270-D. 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 [6][defray the amount] due, he may seize and detain the vehicle or animal.

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1. These words were inserted by Schedule-I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
2. *See* now, the Motor Vehicles Act, 1988 (Central Act of 1988).
3. Section 270-B to 270-E and the heading thereto were inserted by section 118 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. This section was substituted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931), for the original section 270-D which was inserted by section 118 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were substituted for the words 'defray their amount" by section 10 (1) of the Tamil Nadu Motor Vehicles Taxation (Amendment) Act, 1932 (Tamil Nadu Act V of 1932).

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(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the [1][Executive Authority] or to such person as he may have authorised to receive and sell such property and the [1][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 to the person who was in, charge of the said property at the time when it was seized, or if such 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 [1][Executive Authority] or other person authorised 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 [1][Executive Authority] may direct; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure, detention and sale.]

[2]**[270-E. 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 [3][not less than thirty and not more than ninety days before the opening of such place as a cart-stand, or the commencement of the year for which the licence is sought to be renewed], as the case may be.

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

2. Section 270-B to 270-E and the heading thereto were inserted by section 118 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

3. These words were substituted for the words "not less than six weeks before such place is opened as a cart-stand or before the commencement of the year for which the licence is sought" by section 22 of the Tamil Nadu District Municipalities (Third Amendment) Act 1942 (Tamil Nadu Act XXXVIII of 1942, re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No. III) Act, 1948 (Tamil Nadu Act IX of 1948).

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(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.]

INSPECTION OF PLACES FOR SALE, ETC.

271. Duty of [1][Executive Authority] to inspect .— It shall be the duty of the [1][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 [1][Executive Authority]for purposes of inspection.—(1) The [1][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 [1][Executive Authority] or any person so authorised by him has reason to believe that in any place any animal intended for human food is being

1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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slaughtered or any carcasses 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 provision of laws, by-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against [1][an [2](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 [2][Executive Authority] .— No person shall, in any manner whatsoever, prevent the [1][Executive Authority] or person duly authorised by him exercising his powers under the last preceding section.

274. Power of [2][Executive Authority] to seize diseased animals, noxious food .— If any animal, poultry or fish intended for food appears to the [2][Executive Authority] or to a person duly authorised 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 containing 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 animal, 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

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1. These words were substituted for the words "a Executive Authority" by section 3 (2) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 expenses incurred in destroying any animal or article under subsection (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 offood, 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 (Central Act XLV of 1860) 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 such 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.

DISPOSAL OF THE DEAD

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 [1][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.

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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(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 burial, burning or other disposal of a corpse at such place to any person appointed by the [1]Executive Authority] in that behalf.

1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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283. Prohibition against use of burial and burning grounds dangerous to health or over crowded 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 places as aforesaid another convenient place duly authorised 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 [1][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 at 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 [2][Executive Authority], or an order in writing of a magistrate, re-open 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

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933)..,

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(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 a 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 [1]Executive Authority]. Such licence may be withdrawn or cancelled at the discretion of the Council.

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

[1][CHAPTER XII-A.

[2]**[285-A. Definition .—** In this Chapter . —

(a) "hoarding" means any screen of boards other than digital banner and placard, 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;

(b) "digital banner" means any screen of bards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

(c) "placard" means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of my political, religious or communal organization, designed and printed using electronic printing technology".][1]

285-B. 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 [3][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 fora licence in accordance with the provisions of this Chapter within thirty days from the said date.

[4]**["285-BB Regulation of erection of digital banners and placards.—**

(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section (1), shall be made, in writing to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed,"][2]

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1. Chapter XII-A was inserted by the Tamil Nadu Municipal Laws(Amendments) Act, 1998 (Tamil Nadu Act 51 of 1998)
2. Section 285-A was substituted by Tamil Nadu Act 2 of 2011.
3. Substituted for the words "Executive Authority" by the Tamil Nadu Municipal Laws (Amendment) Act, 2003 (Tamil Nadu Act 19 of 2003).
4. Section 285-BB was inserted by Tamil Nadu Act 2 of 2011

285-C. Application for licence .— (1) Every application for licence under this Chapter shall be made to the [1][District Collector] in such form, containing such particulars and with such fee, as may be prescribed.

(2) The [1][District Collector] may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The [1][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.

[2][(5) The fee paid under sub-section (1) shall be credited to the [3][account of the Municipality, Town Panchayat or Third Grade Municipality, as the case may be, within whose jurisdiction such fee has been collected] in such manner as may be prescribed.]

1. Substituted for the words "Executive Authority" by the Tamil Nadu Municipal Laws (Amendment) Act, 2003 (Tamil Nadu Act 19 of 2003).
2. Inserted by the Tamil Nadu Municipal Laws (Amendment) Act, 2003 (Tamil Nadu Act 19 of 2003).
3. Substituted for the words "State Government account" by Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2008 (Tamil Nadu Act 24 of 2008).

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[1]**[285-CC. Tax on advertisement on hoarding .—** (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
[1]**[Third Grade Municipalities, Town Panchayat].**		
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

1. Substituted for the words "Town Panchayats" by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act of 2004).

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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

[1][(2) The tax paid under sub-section (1) shall be credited to the account of the Municipality, Town Panchayat or Third Grade Municipality, as the case may be, within whose jurisdiction such tax has been collected, in such manner as may be prescribed.]

285-D. Power to cancel or suspend licence.— (1) Without prejudice to any other penalty to which the licensee may be liable under this Chapter, the [2][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 [2][District Collector] shall give the licensee, an opportunity of making his representation.

[3]**[“285-E, Removal of unauthorized hoarding,-- digital banner or placard.—** Any hoarding erected without a licence or any digital banner or placard erected without a permission shall be confiscated and removed by the District Collector without giving any notice,”][3]

285-**F. 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, the [2][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 [2][District Collector] shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

285-G. Exemptions .— Nothing contained in this Chapter shall apply to any [4][hoardings or digital banner or placard][4] 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 [hoardings or digital banner or placard][4] 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

1. Substiuted by Tamil Nadu Act 24 of 2008.
2. Substituted by The Tamil Nadu Municipal Laws (Amendment Act, 2003 (Tamil Nadu Act 19 of 2003).
3. Section 285E Substituted by Tamil Nadu Act 2 of 2011
4. The words Hoardings or digital banner or placard was substituted by Tamil Nadu Act 2 of 2011

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(ii) the name of the land or building, upon or over which the [1][hoarding or digital banner or placard][1] 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 [1][hoarding or digital banner or placard][1] as may be prescribed.

285-H. Appeal .— (1) An appeal shall lie to the [2][State Government] from an order of, refusal to grant or renew a licence or cancelling or suspending a licence [3]["refusing to give permission"] by the [4][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 [2][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 deems fit.

285-I Penalty .— Whoever contravenes any of the provisions of this Chapter or any rule or order made thereunder or obstructs lawful exercise or 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.

[5]["Provided that whoever, erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both,"][6]

[6]**[285-J.- Prohibition of erection of certain [1][hoardings or digital banners or placards]**.—[7][(1)] 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 (hereafter in this section referred to as the amendment Act), the [4][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 [4][District Collector] shall, without

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1. The words "hoardings or digital banner or playcard"was substituted by Tamil Nadu Act 2 of 2011
2. The words "Provincial Government" were substituted for the words "Local Government" by the adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. The word "refusing to give permission" was substituted by Tamil Nadu Act 2 of 2011
4. Substituted by The Tamil Nadu Municipal Laws (Amendment Act,2003 (Tamil Nadu Act 19 of 2003
5. Proviso to Section 285-I inserted by Tamil Nadu Act 2 of 2011
6. Inserted by the Tamil Nadu Municipal Laws (Amendment) Act,2000 (Tamil Nadu Act 26 of 2000
7. Section 285-J-1 re-numbered as 285J (1) by the Tamil Nadu Act 2 of 2011

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further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue ;

(b) (i) where the [1][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 Section 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 [1][District Collector] without any notice.]

[2][285-J-2 Where the District Collector is satisfied that the erection of any digital banner or placard 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 permission under section 285-BB".][2]

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1. Substituted by The Tamil Nadu Municipal Laws (Amendment Act, 2003 (Tamil Nadu Act 19 of 2003).
2. Section 285 J-2 was added by Tamil Nadu Act 2 of 2011

CHAPTER XIII.

VITAL STATISTICS AND THE PREVENTION OF DISEASE.

Vital statistics.

286. Compulsory registration of vital statistics .— (1) The Municipal Council shall register all births and deaths occurring in the Municipality.

(2) [1][Information of births and deaths shall be given and their] registration shall be made and enforced in the prescribed manner.

Dangerous diseases.

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 existence of any dangerous disease in any private or public dwelling (not being a public hospital) in the Municipality, he shall inform the [2][Executive Authority] with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the [2][Executive Authority] may require. The [2][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 [2][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 [2][Executive Authority] may prescribe of all deaths from or occurrence of dangerous diseases in his house.

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1. These words were substituted for the word "Such" by Section 119 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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289. Power of entry into suspected places .— The [1][Executive Authority] [2][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 article .— (1) If the [1][Executive Authority] [2][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 [1][Executive Authority] [2][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 [1][Executive Authority] [2][or health officer] may himself, without notice, cause [3][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 [1][Executive Authority] [2][or health officer] shall be recoverable from the said occupier in cases in which he is, in the opinion of the [1][Executive Authority] 4[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 [1][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 [1][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 places 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 articles which he knows or has reason to know has been exposed to infection from any dangerous disease :

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were inserted by Section 120 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were substituted for the words "such building or article" by Section 121 (ii), *ibid.*
4. These words were inserted by Section 120 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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Provided that nothing in this [1][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 .— 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 purposes during a specified period.

294. [2]**[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 [2][Executive Authority] may, on a certificate signed by a medical practitioner registered under the [3][Tamil Nadu] Medical Registration Act, 1914, ([3][Tamil Nadu] Act IV of 1914) arrange for, or direct the removal to such hospital or place of any person suffering from a 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 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.

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1. This word was substituted for the word "sub-section" by Section 23 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. 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, which came into force on the 14th January 1969.

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(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 subsection (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 [1]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 or charge of a minor who is or

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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.

SMALL POX

300. Compulsory vaccination .— (1) Vaccination shall be compulsory in every Municipality [1][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 [2][Executive Authority] with the least practicable delay.

302. Prohibition of inoculation for smallpox .— (1) Inoculation for smallpox is hereby 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 authorise to grant such certificates, stating that such person is no longer likely to produce smallpox by contact or near approach.

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1. These words were substituted for the words "to the extent prescribed by rules made by the Government in Council" by Section 122 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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PART V

SUBSIDIARY LEGISLATION AND PENALTIES

CHAPTER XIV

RULES, BY-LAWS AND REGULATIONS

RULES AND SCHEDULES

303. Power of [1][State Government] to make rules .— (1) The [1][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, [2][they may make rules] —

(a) with reference to all matters expressly required or allowed by this Act to be prescribed ;

[3][(b) with reference to all matters not expressly provided for in this Act, relating to the elections of chairman, vice-chairman or councilors including deposits to be made by candidates standing for election as councilors and the conditions under which such deposit may be forfeited:]

[4][***]

[5][***]

[6][(c) ***].

(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 ;

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1. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "he may make rules" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. Clause *(b)* was substituted for original clauses *(b)* and (c) by Section 123 (i). *ibid*
4. The proviso to clause (b) of sub-section 2 of Section 303 omitted by Tamil Nadu Act 26 of 1996
5. The word "and" the second proviso were omitted by Section 3 *(iii)* of the Chennai City Municipal, District Municipalities and Local Boards (Amendment) Act, 1939 (Tamil Nadu Act XXI of 1939).
6. Clause *(b)* was substituted for original clauses *(b)* and (c) by Section 123 *(i)* of Tamil Nadu Act X of 1930.

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(e) as to the [1][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 officer, if any, through which correspondence between the Municipal Authorities and the [2][State Government] or officers of [3][that Government] shall pass ;

(h) as to the 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 [4][officers of the State Government] [5][***] to accord professional or administrative sanction to 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 [6][the State Government] shall advise and assist Municipal Councils in carrying out the purposes of this Act ;

(1) 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 ;

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1. This word was substituted for the words "establishment and maintenance" by Section 123 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the words "the Government" by the Adaptation Order of 1937.
4. The words "officers of the Provincial Government" were substituted for the words "Government officers " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
5. The words "or the Sanitary Board" were omitted by Section 123 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. The words "the Provincial Government" were substituted for the word "Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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[1](*n*) for regulating the sharing between local authorities in the [2][State of Tamil Nadu] of the proceeds of the profession tax, [3][***] tax on carriages and animals, tax on carts, [4][***] and other taxes or income, levied or obtained under this or any other Act ;]

[5][(*o*) ***]

(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 ;

[6][(*r*) as to the powers of auditors, inspecting and superintending officers and officers authorised 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 costs of buildings and lands.]

(3) In making any rule, the [7][State Government] may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

[8]**[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

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1 This clause was substituted for the original clause by Section 123 (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X. of 1930).

2 This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

3 The words "surcharge on income-tax" were omitted by the Adaptation Order of 1937.

4 The word "tolls" was omitted by Schedule Ito the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

5 Clause (o) was *omitted* by Section 123 (v) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

6 Clauses (q), *(r)* and (s) were added by Section 123 (vi), *ibid.*

7 The words "the Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

8 The words and figures "The power to make rules under Section 303 and the power to issue notifications under this Act are" were substituted for the words and figures "The power to make rules under Section 303 is", the words "three weeks" were substituted for the words "six weeks" and the following clause *(d)* was added by Section 21 of the Chennai City Municipal Corporation *and* District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962):-

"(d) Every rule made under Section 303 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 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 annulment shall be without prejudice to the validity of anything previously done under that rule or notification."

The present Section was subsequently substituted for Section 304 as so amended by Section 3 of the Tamil Nadu District Municipalities (Amendment) Act, 1972 (Tamil Nadu Act 5 of 1973).

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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 303 and every notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the [1][Legislative Assembly], and if, before the expiry of the session in which it is so placed [1][the Legislative Assembly agrees] in making any modification in any such rule or notification or [1][the Legislative Assembly agrees] 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 annulment shall be without prejudice to the validity of anything previously done under that rule or notification.]

[2]**[305. Power of [3][State Government] to alter schedules .--** (1) The [3][State Government] may make rules [4][whether prospectively or retrospectively] altering, adding to or cancelling any of the following Schedules to this Act, namely :-

Schedules H, III, IV, V and VI.

(2) The [3][State Government] may, by notification under sub-section (1) of Section 12-C, include any Municipality in Schedule IX 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.]

[5]**[305-A. Procedure for making of rules under** [6][***] **Section 305.**A draft of the rules proposed to be made [7][***] under [8][sub-section (1) of

1. Substituted by the Tamil Nadu Adaptation of Laws and Order, 1987.
2. This section was substituted for the original section by Section 13 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. Added by Tamil Nadu Act 35 of 1990.
5. This section was inserted by Section 124 (3) *(b)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. The expression "sub-section (2) of Section 77-A and" was omitted by Section 4 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1972 (Tamil Nadu Act 5 of 1973).
7. The expression "under sub-section (2) of Section 77-A of was omitted by Section 4 (ii), *ibid.*
8. These words and figures were substituted for the word and figures "Section 305" by Section 14 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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Section 305] shall be laid [1][before the Legislative Assembly] and the rules shall not be made unless [1][the Legislative Assembly approves] the draft either without modification or addition or with modifications or additions [2][to which] [1][the Legislative Assembly agrees] 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 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 [3][Official Gazette] and shall thereafter be of full force and effect] .

BY-LAWS

306. Power of Council to make by-laws .— The Council may make bylaws, not inconsistent with this Act or with any other law to provide

[4][(l) for all matters expressly required or allowed by this Act to be provided for by by-law;]

[5][(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 [6][and duties] under this Act

[7][(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 ;

1 Substituted by Tamil Nadu Adaptation of Laws and Order, 1987.
2 These words were inserted by *ibid.*
3 These words were substituted for the words *"Fort ,St. George Gazette"* by *ibid.*
4 This clause was inserted by Section 125 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5 The original clause (1) was re-numbered as clause (1-A) by *ibid.*
6 These words were substituted for the words "duties and tolls" by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
7 This clause was inserted by Section 125 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* Omitted in respect of Chennai City. Metropolitan Development Area by Tamil Nadu Act 28 of 1978.

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(d) for the conditions on which house-connections with the Council's 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 ; (n 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 cesspools, 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 application for permission to lay out streets ; and for regulating the level and width of public streets and the height of buildings abutting thereon ;

[1][(b) * **]

[1][(c) * **]

[1][(b)] for the protection of avenues, trees, grass and other appurtenances of public streets and other places ;

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* Omitted in respect of Chennai City Metropolitan Development Area by Tamil Nadu Act 28 of 1978.

1. Sub-clauses *(b)* and *(c)* were omitted and sub-clause *(d)* was relettered as sub-clause *(b)* by Section 6 *(ii)* of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).

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(9) for the regulation of the use of parks, gardens and other public or municipal places [1][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 application 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 or 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 slaughter-houses 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-house without the Municipality [2][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

1. These words were added by Section *6 (iii), ibid.*
2. These words were substituted for the words "provided or licensed by the Municipal Council" by Section 24 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).

* Omitted in respect of Chennai City Metropolitan Development Area by Tamil Nadu Act 28 of 1978.

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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 animal 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 and other places therein ;

(b) for the regulation of their use and the control of their sanitary condition ;

[1][(c) for licensing and controlling brokers, commission agents, weighmen and measurers practising their calling in markers ;]

(19) for prescribing the method of sale of articles whether by measure, weight, tale 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 ;

[2][(23-A) for the training and licensing of dhais and midwives ;]

(24) for the enumeration of the inhabitants of the city ;

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1. This sub-clause was added by Section 125 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This clause was inserted by Section 125 (iv) of the Tamil Nadu District Municipalities (Amendment) Act 1930 (Tamil Nadu Act X of 1930).

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(25) for the prevention of dangerous diseases of men or 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 .— Bylaws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cesspools in connection with building 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 [1][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 [2][Executive Authority] to discontinue such breach.

[3]**[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.]

1. This expression was inserted by the Adaptation (Amendment) Order of 1950.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. This section was substituted for the original section by Section 126 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* Omitted in respect of Chennai City Metropolitan Development Authority by Tamil Nadu Act 28 of 1978.

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[1]**[310. Confirmation of by-laws by [2]**[State Government]**] .—** (1) No bylaw or cancellation or alteration of a by-law shall have effect until the same shall have been approved and confirmed by the [2][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.]

PUBLICATION OF RULES, ***BY-LAWS AND REGULATIONS***

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 [2][State Government] under [3][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.

1. This section was substituted for the original section by Section 126 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. This expression was substituted for the words, figures and letters "clauses (b) and (c) of Section 303" by Section 127 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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CHAPTER – XV

PENALTIES

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 that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of -

(a) contravening any provision of the sections or rules specified in the first column of Schedule VIII, or

(b) contravening any rule or order made under any of the specified sections or rules, or

(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 section, sub-sections or clauses mentioned in the first and second

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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.

[1]**[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 handover 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.]

[2]**[314-A. ***.]**

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 (Central Act XLV of 1860) :

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 :

[3][Provided further that nothing in this section shall apply to a teacher employed by a Municipal Council who, with the sanction of the [4][State Government], enters

1. This section was substituted for the original section by Section 128 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. Inserted by the Tamil Nadu Municipal Laws (Second Amendment) Act, 2002 (Tamil Nadu Act 31 of 2002) and omitted by Tamil Nadu Act 9 of 2008.
3. This. proviso was added by Section 129 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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into a contract with the Municipal Council with regard to the utilisation 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 animal .(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 the permission of the [1][Executive Authority], or

(b) is carried on or completed 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 [1][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 but 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 but to ten rupees, for each day during which the offence is proved to have continued after the first day.

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 month's notice before discharge or to one month's 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 authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's 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 to two months.

(3) Application of sub-sections (1) and (2) **to other municipal servants .—** The [1][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 [2][Executive Authority] and his delegate Every person who prevents the [2][Executive Authority] or any person to whom the [2][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 (Central Act XLV of 1860).

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.

1. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

PART VI

CHAPTER XVI

PROCEDURE AND MISCELLANEOUS

LICENCES AND PERMISSIONS

321. General provisions regarding licences 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, and the restrictions, limitations and conditions, subject to which the same is granted, and shall be signed by the [1][Executive Authority].

[2][(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the Municipal Council.]

[3][(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]

[4][(3-A) Every order of a 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.

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1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This sub-section was substituted for the original sub-section by Section 130 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This sub-section was substituted for the original sub-section (3) by Section 25 (i) of the Tamil Nadu. District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modification by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).
4. This sub-section was inserted by Section 130 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(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,[1][***] any licence or permission granted under this Act or any rule or by-law made under it may, at any time, be suspended or revoked by the [2][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, bylaw 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 or fraud.

(6) It shall be the duty of the [2][Executive Authority] to inspect places in respect of 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 a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, 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 subsection, by the [2][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 [2][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

1. The words "and to such appeal as may be provided in case of refusal" were omitted by Section 130 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 ; [1][and may in his discretion also recover summarily and pay over to the Council such amount, if any, as he may fix as the costs of the prosecution].

[2][(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 of 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 of such less period as is 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 pre-payment 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 the fee in case of refusal of the licence or permission or of registration ; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not [3][received by the applicant within sixty days after the receipt of the application] by the [4][Executive Authority], the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application, and subject to the law, rules, bylaws, regulations and all conditions ordinarily imposed.

322. Appeals from [4][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 [4][Executive Authority] —

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1. These words were added by Section 130 (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This sub-section was inserted by sub-section 25 (ii) of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modification by Section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).
3. This expression was substituted for the expression "communicated to the applicant within thirty days after the receipt of the application" by Section 3 (ii) of the Tamil Nadu Local Authorities' Laws (Amendment) Act, 1974 (Tamil Nadu Act 39 of 1974).
4. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(i) [1][under Section] *[131, 139], 146, 147, 148, 150, 205 sub-section (1) and sub-section (3), 216 sub-section (3), 218 sub-section (1), 219 sub-section (1), 224 sub-section (1), 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

[2][(*b*) any refusal by the [3][Executive Authority] to approve a building site under Section 200 ; or]

[2][(*c*) any order of the [3][Executive Authority] granting or refusing a licence or permission;]

[4][(*d*) any order of the [3][Executive Authority] made under Section 321, sub-section (5), suspending or revoking a licence ;] or

[4][(*e*) any other order of the [3][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 (Central Act IX of 1908), must [5][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 authorised by rule to conduct enquiries relating to elections and all

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1. The words "under section" were substituted for the words "under sections" and the figures and word "246 or 247" were substituted for the figures *"246, 247"* by Section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
2. Clauses *(b)* and (c) were substituted for original clauses (b), (c), *(d)* and (e) by Section 131 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. Original clauses *(f)* and (g) were re-lettered as clauses *(d)* and (e) respectively by *ibid.*
5. These words and letters were substituted for the words "be presented within thirty days after the date of receipt of the order or proceeding against which the appeal is made" by Section 132 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* Omitted in respect of Chennai City Metropolitan Development Area by Tamil Nadu Act 28 of 1978.

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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 [1][Tamil Nadu] Revenue Summonses Act, 1869 ([1][Tamil Nadu] Act III of 1869), and the provisions of Sections 2, 3, 4 and 5 of that 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 [2][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.

NOTICES, ETC.

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 documents .— (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 [3][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 [4][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 .— [5][Save as otherwise provided, every notification under this Act] other than one issued by the [6][State Government]

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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 which came into force on the 14th January 1969.
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. These words were substituted for the words "bear the signature of the Chairman" by Section 16 (2), *ibid.*
4. These words were substituted for the words "facsimile of the signature of the Chairman" by *ibid.*
5. These words were substituted for the words "Every notification under this Act" by Section 133 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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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

[1][Provided that the [2][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, order, 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 posted 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 posted 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 authorised by this Act or shall have prohibited the doing of anything in any place, the [1][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

1. This proviso was added by Section 2 (iii) of the Tamil Nadu District Municipalities and Local Boards (Second Amendment) Act, 1944 (Tamil Nadu Act XVIII of 1944), re-enacted permanently by Section 2 of, and the First Schedule, to, the Tamil Nadu. Re-enacting and Repealing (No. 1) Act, 1948 (Tamil. Nadu Act VII of 1948).
2. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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(c) if such person does not reside in the Municipality and his address elsewhere is known to the [1][Executive Authority] by sending the same to him by post registered ; or

(d) if none of the means aforesaid be available, by [2][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, [3][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.

RELATION OF OCCUPIER TO OWNER

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 provisions of this Act, the [1][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

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1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "fixing the same in some conspicuous part" by Section 4 of , and the Third Schedule .to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).
3. These words were substituted for the words "or form" by Section 134 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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[1][Executive Authority], execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

[2]**[Power of entry and inspection of the Executive Authority.]**

335. Power of entry to inspect, survey or execute the work.- The [1][Executive Authority] or any person authorised 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 authorised 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 remove 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 [1][Executive Authority] or any person authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorised by this Act or by any rule, by-law, regulation or order made

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "Chairman's powers of entry and inspection" by Section 17 (2), *ibid.*

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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 [1][Executive Authority] or person authorised 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 [1][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 [1][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 there from.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the [1][Executive Authority], he may appeal to the Council.

337. Inspection and stamping of weights and measures .— The [1][Executive Authority] or any person authorised by him in this behalf may examine and test the 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 (Central Act XLV of 1860).

POWER TO ENFORCE LICENSING PROVISIONS, ORDERS, ETC.

338. Consequences of failure to obtain licences, 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 [1]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 [1][Executive Authority] may, by notice, require the person 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.

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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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 [1][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 [1][Executive Authority] may, *[subject to the provisions of [2][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, utilise 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 [1][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 amount as the [1][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 [1][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.

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1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

* Omitted in respect of Chennai City Metropolitan Development Authority by Tamil Nadu Act 28 of 1978.

2. This expression was substituted for the words and figures "Sections 139 and 155" by Section 135 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(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 hands 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 [1][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 [1][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 [1][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.

PAYMENT OF COMPENSATION, ETC., BY AND TO THE MUNICIPALITY

343. Power of Municipality to pay compensation .— In any case not otherwise expressly provided for in this Act, the [1][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, bylaw or regulation made under it.

1. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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344. Recovery of sum dues as taxes .— All costs, damages, [1][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 sum which under this Act or any other law or rules or by-laws made thereunder, or under any contract in respect of water-supply [2][or drainage] made in accordance with this Act, the rules or by-laws are due by any person to the Council, may, if there is no [3][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 [4][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 [5][twelve] 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 [6][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 .— [7][***] [8][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 [6][Executive Authority] or by a person expressly authorised in this behalf by the Council or the [6][Executive Authority] within three months of the commission of the offence. But nothing herein shall affect the provisions of the *Code of Criminal Procedure, [9][1898] (Central Act

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1. This word was inserted by Section 136 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the words "drainage or scavengings" by Section 136 (ii), *ibid.*
3. These words were substituted for the words "special provisions for their recovery contained in this Act" by *ibid.*
4. These word was substituted for the words "in those rules" by the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. Substituted for the word "three" by the Tamil Nadu Act 36 of 2008.
6. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
7. The words "Save as provided in Section 59" were omitted by Section 137 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
8. These words were substituted for the words "No person shall be tried for any offence" by Section 22 of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962).
9. These figures were inserted by Section 137 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

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V of 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 a 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 (Central Act XLV of 1860).

[1][(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, 1898 (Central Act V of 1898), as if it were a fine and the same shall [2][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 [3][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 a warrant from the said-Court as if it were a fine inflicted by him on the person liable therefor.

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1. This sub-section was substituted for the original sub-section by Section 138 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were inserted by the Adaptation Order of 1937.
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

* *See* now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

LEGAL PROCEEDINGS

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 the execution of this Act, or any rule, by-law, regulation, or order made under it until the 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 [1][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 [2][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;

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1. These words were substituted for the words "Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(iii) any nuisance whatsoever ;

(b) compound any offence against this Act, the rules, by-laws, or regulations which may by rules made by the [1][State Government] be declared compoundable ;

[2][(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] ;

[2][(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 [3][Executive Authority] ;

[2][(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 ;

[2][(f) with the approval of the Council, compromise any claim, suit or legal proceedings brought against the Council or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

[2][(g) with the approval of the Council, institute and prosecute any suit or withdraw from or compromise any suit or claim, which has been instituted or made in the name of the Municipal Council or of the [3][Executive Authority] ;

[2][(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.]

[4][**351-A**. ***]

[5]**[351-B. Injunctions not to be granted in election proceedings. -** Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. Clause (c) was omitted and clauses *(d)* to *(i)* were relettered as clauses *(e)* to (h) by Section 139 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. Omitted by Tamil Nadu District Municipalities (Amendment) Act, 1994. (Tamil Nadu Act 25 of 1994).
5. This section was inserted by Section 2 of the Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1936 (Tamil Nadu Act XXV of 1936).

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Act V of 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 [1][the [2][State Government], the district Collector, the Revenue Divisional Officer] [3][or any municipal Chairman, Executive Authority], officer or servant or any person acting under the [4][direction of any municipal Chairman, Executive Authority], officer or servant, or of a Magistrate, in respect of anything in good faith done under this Act [5][***] or any rule, by-law, regulation or order made under it.

353. Liability of Chairman, members, and Executive Authority for loss, waste, or misapplication .-- (1) The [6][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 [2][State Government] or by the [7][State Government].

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

[8][353-A. Sanction for prosecution of Chairman, Councillor or Executive Authority .— When the [9][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

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1. These words were inserted by Section 141 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act II of 1930).
2. The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the words "or any municipal Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. These words were substituted for the words "direction of any municipal Chairman" by *ibid.*
5. The words "or any other law" were omitted by Section 141 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were substituted for the words, "Chairman and every Councillor" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
7. These words were substituted for the words "Secretary of State for India in Council" by the Adaptation Order of 1937 *as* amended by the Adaptation Order of 1950.
8. This section was inserted by Section 143 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
9. These words were substituted for the words, "Chairman or any Councillor" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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shall take cognizance of such offence except with the previous sanction of the [1][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 [2][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 satisfaction for any special damage sustained by him.

POLICE

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][3]

(b) [4][to assist the Chairman, the Executive Authority] or any Municipal officer or servant reasonably demanding his aid for the lawful exercise of any

1. The words "Provincial Government" were substituted for the word "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. This word was inserted by Section 144 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This word was inserted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
4. These words were substituted for the words "assist the Chairman" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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power [1][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, [2][***]

[3][(c) ***]

(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 [4][Tamil Nadu] District Police Act, 1859 (Central Act XXIV of 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 [5][State Government] may empower any Municipal servant or any class of Municipal servants to exercise the powers of a Police Officer for the purposes of this Act and of the [4][Tamil Nadu] Towns Nuisances Act, 1889. ([4][Tamil Nadu] Act III of 1889).

[6][MAINTENANCE OF RECORDS]

[6]**357-A. Maintenance of records and disclosure of information by the Municipality including Third Grade Municipality and Town Panchayat .—** Every Municipality including Third Grade Municipality and Town Panchayat, shall, maintain all its records duly catalogued and indexed, and publish such information, in such form, in such manner and at such intervals, as, may be prescribed.]

1. These words were substituted for the words ."vesting in the Chairman" by *ibid.*
2. The word "and" was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
3. Clause (c) was omitted by *ibid.*
4. 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, which came into force on the 14th January 1969.
5. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
6. Heading and Section 357-A inserted by Tamil Nadu Act 37 of 2008.

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MISCELLANEOUS

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,[1][***] 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, [1][***] fee or sum shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (Central Act XLV of 1860).

359. Prohibition against obstruction of Municipal Authorities, servants and contractors .—No person shall obstruct or molest the Council, the [2][Chairman, any Councillor, the Executive Authority], or any person employed by the Municipal Council or [3][any person with whom a contract has been entered into on behalf of the Council] in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any bylaw, 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 or direction incidental to the execution of any work authorised 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 [4][Executive Authority].

362. Prohibition against unauthorised 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.

[5][STATE GOVERNMENT'S], POWER OF DELEGATION

363. Delegation of powers by the [5][State Government] .-[6][(1) The [5][State Government] may, by notification, authorise any person to exercise any one or

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1. The word "toll" was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
2. These words were substituted for the words "Chairman any Councillor" by Section 17 (2) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. These words were substituted for the words "any person with whom the Chairman has entered into a contract on behalf of the Council" by *ibid.*
4. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
6. The original Section 363 was re-numbered as sub-section (1) thereof and sub-section (2) was added by Section 26 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).

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more of the powers [1][vested in them] by this Act, [2][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.

[3][(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 [4][State] Government or by such persons as may be empowered by them in this behalf. The [4][State] Government shall also have power to control and revise the acts or proceedings of any persons so empowered.]

TRANSITIONAL AND TRANSITORY PROVISIONS

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 (Tamil Nadu Act IV of 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 [5][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.

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1. These words were substituted for the words "vested in him" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words and figures were substituted for the words and figures "except those mentioned in Chapters II and III" by Section 145, *ibid.* Transitional and transitory provisions.
3. The original Section 363 was re-numbered as sub-section (1) thereof and sub-section (2) was added by Section 26 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by Section 3 of and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).
4. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
5. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

* Came into force on 1.10.1920 *vide* notification No. 595 - Page 364, Part I-A of Fort St. George Gazette dated 10th August 1920.

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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 (Tamil Nadu Act IV of 1884), shall expire on such date or dates after the commencement of this Act as the [1][State Government] shall determine and the [1][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 (Tamil Nadu Act IV of 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 (Tamil Nadu Act IV of 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 [1][State Government] [2][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 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 [1][State Government].

1. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "so directs" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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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 Council .— (1) Notwithstanding anything contained in this Act, when a Municipality is constituted for the first time, the [2][State Government] may appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of the Municipal Council [3][and its Chairman and Executive Authority].

(2) The Special Officer shall cause arrangements for election to be made so that the newly elected [4][***] 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. [5][of the Chairman until a Chairman has been elected] [6][by the Council] [7][***] and of the Executive Authority until a Chairman has been elected [6][by the Council] or a commissioner has been appointed, as the case may be.]

[7][(4) ***]

(5)[8][The term of office of the [4][***] Councillors or of the Councillors elected in their places at casual vacancies shall be [9][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:]

1. This section was substituted for the original section by Section 146 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for ``Provincial' by the Adaptation Order of 1950.
3. These words were substituted for the word "Chairman" by Section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. The words "Chairman and" added by Tamil Nadu Act 23 of 1978 and omitted by Tamil Nadu Act 18 of 2006..
5. These words were substituted for the words "and of the Chairman until a Chairman has been elected by the Council" by *ibid.*
6. Substituted for the words “until a Chairman has been elected” by ibid.
7. Omitted by Tamil Nadu Act 23 of 1978.
8. This paragraph was substituted for the first paragraph by Section 3(3) (a) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).
9. This words were substituted for the words "three years" by Section 37 (1) (a) of the Chennai City Municipal Corporation and Tamil Nadu District Municipalities (Amendment and Extension of term of office) Act, 1971 (Tamil Nadu Act 22 of 1971).

[1][***]

(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 [2][and to all cases where ordinary vacancies in the office of [3][***] 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.]

[4]**[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 [5][State Government] are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the [5][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 [5][State Government] who shall decide the dispute in such manner as they deem fit.

[6][(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) [7][may,

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1. Omitted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
2. These words were added by Section 3 (3) (b) of the Chennai City Municipal Corporation and District Municipalities (Amendment) Act, 1968 (Tamil Nadu Act 10 of 1968).
3. The words "Chairman or" Inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994) and omitted by Tamil Nadu Act 18 of 2006.
4. This section was added by Section 147 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
6. This sub-section was substituted for the original sub-section (3) by Section 3 of the Chennai City Municipal District Municipalities and Local Boards (Amendment) Act 1941 (Tamil Nadu Act VIII of 1941), re-enacted permanently with specified modifications by Section 2(2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).
7. These words were substituted for the words "may be modified' by the Second Schedule to the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

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at the instance of the local authorities concerned, be modified], from time to time, by the [1][State] Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, [2][may, at the instance of such local authorities, be cancelled] at any time by the [1][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.]

[3][(4) The powers, of the [1][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.]

[4][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 [5][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 [6][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 [7][State Government] shall be final.]

[8][(3) Any reference to the [9][Third Grade Municipality, 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 9[Third Grade Municipality, Town Panchayat] constituted under this Act.]

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. This words were substituted for the words “may be cancelled" by the Second Schedule to the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).
3. This sub-section was inserted by the Adaptation Order of 1937.
4. This section was inserted by Section 15 of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.
6. These words were substituted for the words "said Presidency" by paragraph 4 of, and the Schedule to, *ibid.*
7. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
8. Inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
9. Substituted for the words "town Panchayats' by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act of 2004).

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371. [1]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 (Tamil Nadu Act 25 of 1994), the State Government may, by an order published in the Tamil Nadu Government Gazette, make such provisions, not inconsistent with the provisions of this Act, as amended by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 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 (Tamil Nadu Act 25 of 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 [2][Third Grade Municipality] .— 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 or a [3][transitional area] 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 [2][Third Grade Municipality, Town Panchayat] under the provisions of this Act, as amended by the Tamil Nadu District Municipalities (Amendment) Act 1994 (Tamil Nadu Act 25 of 1994) ;

1. Sections 371 to 376 were added by Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994).
2. Substituted for the words "town Panchayats' by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act of 2004).
3. Substituted for the words “panchayat town” by ibid.

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(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 [1][Third Grade Municipality, 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 Panchayat Town 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 in 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 [1][Third Grade Municipality, 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 [1][Third Grade Municipality, 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 [1][Third Grade Municipality, 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 [1][Third Grade Municipality, 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 ;

1. Substituted for the words "town Panchayats' by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act of 2004).

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(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 [1][Third Grade Municipality, 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 [1][Third Grade Municipality, 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 [1][Third Grade Municipality, 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, [1][Third Grade 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 [1][Third Grade Municipalities, Town Panchayat], 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 [1][Third Grade Municipalities, Town Panchayats] after the date of commencement of the Tamil Nadu District Municipalities (Amendment) Act 1994 (Tamil Nadu Act 25 of 1994).

[2][(2) The Special Officers appointed under sub-section (1) in respect of Courtallam and Bhavanisagar Municipalities and holding 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 ' [1][Third Grade

1. Substituted for the words "town Panchayats' by the Tamil Nadu District Municipalities (Amendment) Act, 2004 (Tamil Nadu Act of 2004).
2. Substituted by Section 2 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1997 (Tamil Nadu Act 57 of 1997).

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Municipalities, Town Panchayat] and such Special Officers shall continue to hold office up to the [30th day of June 1998] or for such shorter period as the State Government may, by notification, specify in this behalf.]

PROVISION NOT INCORPORATED IN THE ACT

[1]**[Validation of things done or action taken by the Special Officers** .- Anything done or any action taken by the Special Officers deemed to have been appointed under sub-section (2) of Section 375 of the principal Act, as amended by this Act, on or after the 13th day of August 1997 and before the 30th day of September 1997, shall, for all purposes, be deemed to be, and to have always been, validly done or taken in accordance with law and shall not be liable to be questioned in any Court of law.]

376. Special provision in respect of Third Grade Municipalities and validation .— Notwithstanding the repeal of the Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act 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 up to and inclusive of the date of commencement of the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 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 (Tamil Nadu Act 25 of 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.

1. Inserted by Section 3 of the Tamil Nadu District Municipalities (Second Amendment) Act, 1997 (Tamil Nadu Act 57 of 1997).

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SCHEDULE I.

ENACTMENTS REPEALED.

(*See* section 2)

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
1884	IV	The Tamil Nadu District Municipalities Act, 1884	The whole.
1897	III	The Tamil Nadu District Municipalities (Amendment) Act, 1897.	Do.
1899	I	The Tamil Nadu District Municipalities (Amendment) Act, 1899.	Do.
1907	II	The Tamil Nadu Hill Municipalities Act, 1907.	Do.
1909	V	The Tamil Nadu District Municipalities (Amendment) Act, 1909.	Do.
1913	III	The Tamil Nadu District Municipalities and Local Boards (Amendment) Act, 1913.	Sections 2, 3 and 4.
1914	VIII	The [1][Tamil Nadu] Decentralization Act,	So much of the schedule as relates to the Tamil Nadu District Municipalities Act, 1884.
1916	IX	The Tamil Nadu District Municipalities (Amendment) Act, 1916.	The whole.

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, which came into force on the 14th January 1969.

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SCHEDULE II

LIST OF HILL STATIONS

[See section 3 (10)]

Udhagamandalam, the Nilgiri District

Coonoor, the Nilgiri District

Kodaikanal, [1][Madurai District] *

SCHEDULE *III*.

RULES REGARDING PROCEEDINGS OF THE COUNCIL

(See section 25)

MODE OF TRANSACTING BUSINESS

1. The Municipal Council shall provide an office and the Council shall meet therein for the transaction of business at least once in every month, upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the Chairman:

[2][Provided that no meeting shall be held on a public holiday.

Explanation .— The expression `public holiday' includes Sunday and any other day declared by the [3][State Government], by notification in the [4][Official Gazette], to be a public holiday.

[5][2. (1) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting.

(2) In cases of urgency, the Chairman may convene a meeting on giving shorter notice than that specified in sub-rule (1).]

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1. These words were substituted for the words "Madura District" by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act 1 of 55 (Tamil Nadu Act XXXVI of 1955).
2. This proviso and the Explanation were added by section 148 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.
5. Rule 2 was substituted for the original rule by section 148 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* Now, Dindugal district.

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[1][(3) In Municipalities in which there is a commissioner, the agenda for the meeting shall be prepared by the commissioner in consultation with the Chairman. The commissioner may include in the agenda any subject which in his opinion should be considered by the Council and shall include therein any subject specified by the Chairman. On any subject included in the agenda, the Chairman as well as the commissioner shall have the right of recording his views in a note and such note shall be circulated to the Councillors or placed before the Council before or at the time of the consideration of such subject by the Council.]

[2][3. (1) The Chairman shall, on the requisition in writing of not less than one-third of the members then on the Council, convene a meeting of the Council, provided that the requisition specifies the day (not being a public holiday as defined in the Explanation to rule (1) when and the purpose for which the meeting is to be held. [3][Only urgent matters of local importance relating to municipal administration which cannot wait till the next ordinary or urgent meeting shall be considered at special meetings and not more than one subject shall be considered at such meetings.] The requisition shall be delivered at the municipal office during office hours to the Chairman, secretary, manager or any other person who may then be in charge of the office at least ten clear days before the day of the meeting.

(2) If the Chairman fails within forty-eight hours from the delivery of such requisition to call a meeting on the day specified therein, or within three days thereafter, the meeting may be called by the members who signed the requisition on giving the notice provided for in sub-rule (1) of rule 2 to the other members of the Council.]

4. All meetings of the Council shall be open to the public ; provided that the presiding member may and at the request of the Council shall, in any particular case, for reasons to be recorded in the minute book kept under rule 9, direct that the public generally, or any particular person, shall withdraw.

5. All questions which may come before the Council at any meeting shall be decided by a majority of the members present and voting at the meeting and, in every case of equality of votes, the presiding member shall have [4][and exercise] a second or casting vote.

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1. This sub-rule was added by section 27 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modification by section 3 of, and the Schedule to the Tamil Nadu Re-enacting (No.111) Act, 1948 (Tamil Nadu Act IX of 1948).
2. Rule 3 was substituted for the original rule by section 148 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This sentence was inserted by G 0. Ms. No. 1461, R.D. and L.A., dated the 9th June 1966.
4. These words were inserted by section 148 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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6. No business shall be transacted at a meeting unless there be present at least six members or, if the number of members then on the Council exceeds sixteen, at least one-third of that number.

7. If within half an hour after the time appointed for a meeting, a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

8. No resolution of the Council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the Council supported by [1][***] not less than one-half of the sanctioned number of members.

9. Minutes of the proceedings at each meeting of the Council shall be drawn up and entered in a book to be kept for that purpose ; and shall be signed by the [2][presiding member] or in his absence by some one of the members present thereat ; and the said minutes shall, at all reasonable times and without charge, be open at the municipal office to the inspection of any person who pays any tax under this Act in the Municipality.

[3][10. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting in English and in the language of the district, shall be forwarded by the Chairman to the Collector of the district, and another copy to the [4][Director of Municipal Administration] of Municipal Councils and Local Boards of the range in which the Municipality is situated. An authenticated copy of the said minutes shall also be affixed to the notice board of the municipal office and relevant extracts of the said minutes shall be sent to the heads of departments of the [5][State] Government and to the superintending officers appointed under sub-section (1) of section 38 for information and necessary action. The Chairman shall also immediately submit to the said Collector any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any Councillor.]

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1. The words 'the votes' of were omitted by section 148 *(iv)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the words "Chairman" or the member who presided at such meeting" by section 148 (v), *ibid.*
3. This rule was substituted for rule 10 by Local Administration Department Notification No. 308, dated the 12th April 1943, published at page 164 of Part 1-A of the Fort St. George Gazette, dated the 27th April 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement of Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
4. Substituted by Tamil Nadu Act 15 of 1987.
5. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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11. The [1][Executive Authority] shall have the custody of the proceedings and records of the Council and may grant copies of any such proceedings and records on payment of such fees as the Council may, by general or special order, determine. Copies shall be certified by the [1][Executive Authority] as provided in section 76 of the Indian Evidence Act, 1872 (Central Act I of 1872) and copies so certified may be used to prove the records of the Council in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

[2][11-A. The committees constituted by the Council under section 23 as well as the committees constituted under the proviso to section 68 (1) and under section 73 shall meet in the office provided by the Municipal Council under rule 1.]

12. The proceedings of every committee appointed by the Council shall be recorded in writing and submitted to the Council.

[3][13. ***]

SCHEDULE IV

TAXATION AND FINANCE RULES

PART I. - TAXATION RULES

[See Section 124]

DEFINITION OF TAX

1. In these rules `tax' includes payment due by way of composition for a tax.

[4][PROVISIONS COMMON TO TAXES IN GENERAL]

[4][2. (1) The [1][Executive Authority] shall prepare and keep assessment books in such form as may be prescribed showing the persons and property liable to taxation under this Act.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection

1. These words were substituted for the word "Chairman" by section 17 (1). of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This rule was inserted by Local Administration Department Notification No. 775, dated the 16th October 1942, published at page 800 of Part 1-A of the Fort St. George Gazette, dated the 3rd November 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement of Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
3. This rule was omitted by section 148 (vi) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Rules 2 to 4 and the heading thereto were substituted for the original by section 149 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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by any person who pays any tax to the Municipality or his authorised agent and such person or agent shall be entitled to take extracts free of charge, from the said books and records.

(3) The account books of the Council shall be open without charge to inspection by any person who pays any tax to the Municipality or his authorised agent on a day or days in each month be fixed by the Council.]

[1][3. The [2][Executive Authority] shall, save as otherwise provided in this Act, determine the tax to which each property or person is liable :

Provided that in the case of taxes payable by the [2][Executive Authority], the original assessment shall be made by the [3][Regional Director of Municipal Administration].

[1][4. (1) If at any time it appears to the [2][Executive Authority] that any person or property has been inadequately assessed or inadvertently or improperly omitted from the assessment books relating to any tax, or that there is any clerical or arithmetical error in the said books, the [2][Executive Authority] [3][may] amend the said books in such manner as it deems just or necessary :

Provided that no such [3][amendment in the said books shall be made] where it involves an increase in the assessment, unless the person concerned shall have been afforded a reasonable opportunity to show cause to the [2][Executive Authority] why the assessment books should not be amended as proposed.

(2) Such amendment shall be deemed to have taken effect on the earliest date, either in the current half-year or in the two half-years immediately preceding it, on which the circumstances justifying the amendment existed.]

5. (1) The [2][Executive Authority] shall give to every person making payment of a tax a receipt therefor signed by him or by some person duly authorised by him in that behalf.

(2) Such receipt shall specify —

(a) the date of the grant thereof ;

(b) the name of the person to whom it is granted

(c) the tax in respect of which the payment has been made ;

(d) the period for which payment has been made ; and

(e) the amount paid.

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1. Rules 2 to 4 and the heading thereto were substituted for the original by section 149 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. Substituted by Tamil Nadu Act 15 of 1987.

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ASSESSMENT OF THE PROPERTY TAX

[1][6. The value of any land or building for purposes of the property tax shall be determined by the [2][Executive Authority] :

[3][Provided that the value of any land or building, the tax for which is payable by the Executive Authority shall be determined by the Regional Director of Municipal Administration].

[4][6-A. The Director of Municipal Administration may prescribe suitable guidelines for fixing the reasonable annual value of lands and buildings from time to time.]

[1][7. The [2][Executive Authority] shall enter the annual or capital value of all lands and buildings determined by him and the tax payable thereon in assessment books to be kept for the purpose at the municipal office. Such books shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item :—

(a) the name of the owner ;
(b) the name of the occupier ;
(c) the designation, if any, of the item ;
(d) the name of the ward and street, if any, in which it is situated, and any survey or other number which it bears ;
(e) the annual or capital value, as the case may be ; and
(f) the amount of the tax payable.]

[1][8. (1) The assessment books shall be completely revised by the [2][Executive Authority] once in every five years.

[7][(1-A) (a) Notwithstanding anything contained in sub-rule (1), the State Government may, for sufficient cause, from time to time, by order —

(i) postpone the general revision of assessment of books,

(ii) stay any proceedings relating to the general revision of assessment books, for a period of one or more half-years at a time but not exceeding in any case seven half-years:

Provieded that such postponement or stay shall not affect any subsequent general revision of assessment books.

(b) Where the stay is vacated or the period of stay expires, the State Government may direct that proceedings for the general revision of assessment books shall be either commenced de novo or continued from the stage at which such proceedings were stayed.]

(2) The [2][Executive Authority] may amend the assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax [5][or subject to any rules which the [6][State] Government

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1. Rules 6 to 12 were substituted for the original rules by section 150 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This word was substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. Substituted by Tamil Nadu Act 15 of 1987.
4. Inserted by G.O.Ms.No. 2 MA & WS dated 31.1.1995.
5. These words were added by L.A. Depart. Notification No.243,Dt.10.03.42 published at page 234 of Part 1-A of the Fort St. George Gazette,Dt. the 31.03.42, re-enacted permanently with specified modifications by Local Administration Department Notification, dated the 26.04.48, published at pages 39 to 58 *of* the Rules Supplement of Part 1-A of the Fort St. George Gazette, Dt. 27.04.48.
6. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
7. This sub-rule was inserted by G.O.Ms.No.1959,RD&LA Dt.10.08.66 by G.O.Ms.No.555 RDLA Dt.26.03.69

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may make in this behalf, by substituting therein for the name of the owner of any property, the name of any other person who has succeeded by transfer or otherwise to the ownership of the property.] Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made :

Provided that when the amendment is made in any half-year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year [1][except where the fair rent of a building together with land appurtenant to it has been determined by the [2][Controller under the Tamil Nadu Buildings (Lease and. Rent Control) Act, 1946[3]] :

[4][Provided further that the decision of the Executive Authority in any disputed case of transfer of ownership of a property shall not give the transferee a legal title to the property.]

[5][9. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the [6][Executive Authority] shall give public notice stating that revision petitions will be considered if they reach the municipal office within a period of sixty days from the date of such notice in the case of the Government, a railway administration or a company, and of thirty days from the said date in other cases. The notice shall be affixed to the notice board of the municipal office and on the same day be published in the Municipality by beat of drum :]

[7][Provided that in every case where there is an enhancement in the assessment,

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1. These words were added by Local Administration Department Notification No. 243, dated the 10th March 1942 published at page 234 of Part 1-A of the Fort St. George Gazette, dated the 31st March 1942, re-enacted permanently with specified modifications by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement of Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
2. These words, brackets and figures were substituted for the words and figures "Controller under the Madras House Rent Control Order, 1941" by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated he 27th April 1948.
3. *See* now the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960).
4. This proviso was added by Local Administration Department Notification No. 243, dated the 10th march 1942, published at page 234 of Part 1-A of the Fort St. George Gazette, dated the 31st March 1942, re-enacted permanently with specified modifications by the Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement of Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
5. Rules 6 to 12 were substituted for the original rules by section 150 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
7. These provisos were added by the Local Administration Department Notification No. 578, dated the 6th June 1939, published at pages 401-402 of Part 1-A of the Fort St. George Gazette, dated the 13th June 1939.

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the Executive Authority shall also cause intimation thereof to be given by a special notice to be served on the owner or occupier of the property concerned:

Provided further that, in every case where a special notice is required to be served on the owner or occupier under the first proviso, the period of sixty days and thirty days referred to in this rule shall be calculated from the date of service of such special notice.]

[1][9-A. (1) Notwithstanding anything contained in these rules, where there is an enhancement in the assessment of property tax payable for the half-year commencing from the 1st October 1987 and the owner or occupier of the property concerned has been given a special notice about the enhancement of the property tax payable by such owner or occupier, the said special notice shall be treated as modified to the extent specified below, namely :-

(i) In the case of buildings constructed after the 1st April 1982, but before the 1st October 1987, the enhancement of property tax shall not exceed fifty per centum of the property tax payable immediately before the 1st, October 1987.

(ii) In the case of buildings used for residential purposes —

(a) there shall be no enhancement of property tax for thatched buildings;

(b) the enhancement of property tax shall not exceed one hundred per centum of the property tax payable immediately before the 1st October 1987, if such building is wholly or partly occupied by the owner;

(c) the enhancement of the property tax shall not exceed two hundred per centum of the property tax payable immediately before the 1st October 1987, if such building is wholly let out.

(iii) In the case of buildings used for non-residential purposes, the enhancement of property tax shall not exceed three hundred per centum of the property tax payable immediately before the 1st October 1987.

(2) Notwithstanding anything contained in these rules, the revision petitions filed by the persons who have failed-to file revision petitions before the 29th October 1987 to reduce the tax in response to the special notices enhancing the property tax with effect on and from the 1st October 1987 during the period commencing from the 29th October 1987 and ending with the 31st March 1988, shall, for all purposes, be deemed to be and to have always been, validly filed within the period referred to in rule 9.

(3) The Executive Authority shall dispose of the revision petitions to reduce

1. Rule 9-A was inserted by the Tamil Nadu District Municipalities (Fourth Amendment) Act, 1990 (Tamil Nadu Act 35 of 1990).

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the tax already filed and those deemed to have been filed in terms of sub-rule (2) subject to, and in accordance with, the provisions contained in sub-rule (1).]

[1][10. In every case in which between one general revision and another, the [2][Executive Authority] assesses any property for the first time or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the property tax is leviable, the [2][Executive Authority] shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the municipal office within sixty days from the date of service of such notice in the case of the Government, a railway administration or a company, and within thirty days from the said date in other cases.]

[1][11. ***]

[3][12 No petition under rule [4][9 or 10] or 11 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case.]

13. Immediately after the disposal of a revision petition, the [2][Executive Authority] shall inform the petitioner or his authorised agent, either orally or in writing, of the orders passed thereon, shall direct him to pay the amount fixed on revision within fifteen days [4][after the date of receipt of such intimation], or if the amount is not yet due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected.

[5][14. (1) On the establishment of a Municipality, assessments shall have effect from the date specified in the notification under section 80.

[6][(2) A special notice shall be served on the owner or occupier of a building in the Municipality during the period of the half year in which a general revision of property tax is to be given effect to.]

(3) Any corrections in the assessment books made by the 2[Executive Authority] under rule 13 or 27 shall be deemed to have effect o the first day of the half year to which the assessment which was sought to be revised or which was appealed against relates.

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1. Rules 6 to 12 were substituted for the original rules by section 150 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933). 3. Omitted by G.O.Ms.No. 127 MA & WS dated 27.5.1999.
3. Amended by *ibid.*
4. These words were inserted by section 151 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. Rules 14 to 19 were substituted for the original rules by section 152, *ibid.*
6. Substituted by G.O.Ms.No. 245 MA & WS dated 21-12-1998.

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Explanation .— The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule, and shall have effect from the date fixed for the levy or enhancement.]

[1][15. The first payment of tax shall, save as provided in rule 13, be made with in thirty days of the date or day specified in rule 14.]

ASSESSMENT OF THE PROFESSION TAX*

[2][16. (1) [3][The classes into which companies and persons shall, for the purposes of assessment to the profession tax, be divided, and the maximum half-yearly tax leviable on each class shall be as follow :—

	Class and half-yearly income,	**Maximum half-yearly tax. Rs.**
I.	More than Rs, 15,000.	125
II.	More than Rs. 12,000 but not more than Rs. 15,000.	100
III.	More than Rs. 9,000 but not more than Rs. 12,000.	75
IV.	More than Rs. 6,000 but not more than Rs. 9,000.	50
V.	More than Rs. 4,800 but not more than Rs. 6,000.	25
VI.	More than Rs. 3,000 but not more than Rs. 4,800.	12
VII.	More than Rs. 1,800 but not more than Rs. 3,000.	6
VIII.	More than Rs. 1,200 but not more than Rs. 1,800.	4
IX.	More than Rs. 600 but not more than Rs. 1,200.	2
X.	More than Rs. 300 but not more than Rs. 600.	1].

1. 1 Rules 14 to 19 were substituted for the original rules by section 152 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. Rules 14 to 19 were substituted for the original rules by section 152 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This rule was substituted by Local Administration Department Notification, dated the 12th April 1950, published at page 52 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 18th April 1950, for the rule 16 (1) as substituted by Local Administration Department Notification No. 154, dated the 18th February 1942, published at page 158 of Part !-A of the Fort St. George Gazette, dated the 3rd March 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.

* This heading and rules 16 to 19 relating to professional tax were implied repealed after the enactment of Tamil Nadu Act 24 of 1992.

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(2) The Council shall determine the tax leviable on each class subject to the maximum specified in sub-rule (1) :

Provided that the proportion which the tax on any class bears to the minimum income of that class shall, in no case, be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) The Council may exempt any one or more of the classes in sub-rule (1) from liability to profession tax, but no class shall be exempted from liability when any lower class is liable to tax.]

[1][17. A company or person shall be deemed to have transacted business and a person shall be deemed to have exercised a profession, art, or calling or held an appointment within a Municipality, if such company or person has an office or place of employment within such Municipality.]

[1][18. (1) Where a company or person transacts any business other than money-lending in any half-year exclusively in the area of a single Municipality, the income of such company or person from the transaction of such business shall, for the purpose of levying profession tax under this Act during the half-year, be deemed to be

(a) where income-tax is assessed on such company or person under the Indian Income-tax Act, 1922* (Central Act XI of 1922), for the year comprising the half-year, one half of the amount at which the profits and gains of such business are computed under section 10 of the Indian Income-tax Act, 1922* (Central Act XI of 1922), for the purpose of assessing the income-tax ; and

(b) where the amount for the said profits and gains is not ascertainable or where such company or person is not assessed to income-tax, such percentage or percentages as the [2][State Government] may, subject to the approval of 3[both [4](Houses) of the [5](State) Legislature], determine, of the turnover of such business transacted in the area of the Municipality during the half-year or where this is also unascertainable during the corresponding half-year of the previous year.

(2) Where a company or person transacts any business other than money-lending partly in the area of a Municipality and partly outside such area, the

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1. Rules 14 to 19 were substituted for the original rules by section 152 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

* *See* now the Income-tax Act, 1961 (Central Act 43 of 1961).

2. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the words "the Legislative Council" by the Adaptation Order of 1937.
4. This word was substituted for the word "Chambers" by the Adaptation (Amendment) Order of 1950.
5. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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income of such company or person from the transaction of such business in the area of the Municipality shall, for the purpose of levying profession-tax under this Act, be deemed to be the percentage referred to in clause (b) of sub-rule (1) of the turnover of such business transacted in such area, during the half-year or the corresponding half-year of the previous year, as the case may be.

(3) For the purposes of clause *(b)* of sub-rule (1) and sub-rule (2), the turnover of business in any Municipality means the aggregate money value of the goods produced, manufactured, purchased or sold or of any other business except money-lending transacted in such Municipality.

Explanation .— In determining the turnover of business under this sub-rule

(a) where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person are both effected in the [1][State of Tamil Nadu], only the latter transaction shall be taken into account;

(b) where the delivery of any goods on account of any purchase made by any company or person is effected in any place outside the [2][said State] and the delivery on account of the sale thereof by the same company or person is effected in any place in the [2][said State], the latter transaction shall be taken into account ; and

(c) where the delivery of any goods on account of any purchase made by any company or person is effected in any place in the [2][said State] and the delivery on account of the sale thereof by the same company or person is effected in any place outside the [2][said State], the former transaction shall be taken into account.]

[3][19. (1) If, in the opinion of the [4][Executive Authority], profession tax is [5][or will be] due from any company or person for any half-year, he shall serve a notice on such company or person either in that half-year or in the succeeding half-year requiring the company or person to furnish within such period, not being less than thirty days as may be specified in the notice, a return in the prescribed form showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession tax for the half-

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1. This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.
2. These words were substituted for the words "said Presidency" by *ibid.*
3. Rules 14 to 19 were substituted for the original rules by section 152 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. These words were added by Local Administration Department Notification No. 1096, dated the 5th October 1938, published at page 625 of Part 1-A of the Fort St. George Gazette, dated the 11th October 1938.

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year in question. Thereupon, it shall be open to such company or person to submit a return showing the income derived by it or him during the half-year for which profession tax is claimed or for the corresponding half-year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

[1]*[Explanation* Where in pursuance of section 97, a statement regarding the income of a company or the salary or income of an employed person has been furnished to the Executive Authority, nothing in this sub-rule shall be deemed to require that authority to serve a notice on such company or person.]

(2) If a return is made as required under sub-rule (1) [2][or a statement regarding the income or salary is furnished under section 97] and the [3][Executive Authority] is satisfied that it is correct and complete, he shall levy the profession tax from such company or person on the basis of [4][such return or statement.]

Explanation .— In cases not falling under clause (b) of sub-rule (1) or under sub-rule (2) of rule 18, if the company or person produces the notice of demand of income-tax served on it or him under section 29 of the Indian Income-tax Act, 1922* (Central Act XI of 1922), for the year comprising the half-year in question, the [3][Executive Authority] shall be bound to take one-half of the income mentioned in such notice of demand as the income derived from the sources on which profession tax is leviable under this Act, as the income on the said sources for the purposes of levying profession tax.

(3) [5][If no return is made as required under sub-rule (1) or if no statement is furnished under section 97, or if the [3][Executive Authority] is satisfied that any return so made or any statement so furnished] is incorrect or incomplete, the [3][Executive Authority] shall assign to the company or person the class in the scale appropriate to the half-yearly income of such company or person as estimated by him.

(4) The [3][Executive Authority] may, when classifying any company or person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of

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1. 1 This explanation was added by rule (1) issued in GO. Ms. 268, Local Administration, dated the 26th February 1954, published at page 34 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 31st March 1954.
2. These words and figures were inserted by rule (2) (a), *ibid.*
3. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. These words were substituted for the words "such return" by rule (2) (b), *ibid.*
   * See now the Income-tax Act, 1961 (Central Act 43 of 1961).
5. These words, brackets and figures were substituted for the words, brackets and figures "If no return is made as required under sub-rule (1), or if the Executive Authority is satisfied that any return so made" by rule (3), issued in GO. Ms. 268, Local Administration, dated the 26th February 1954, published at page 34 of the Rules Supplement to part 1-A of the Fort St. George Gazette, dated the 31st March 1954.

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residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income-tax paid to Government.

(5) The [1][Executive Authority] shall not be entitled to call for the accounts of any company or person.]

MAXIMAM RATES OF TAX ON CARRIAGES. AND ANIMAL

[See section 98]

[2][20. ((1) The tax on carriages and animals shall be levied at rates not exceeding the following :—

Tax on carriages and animals.	**Maximum half-yearly tax.**
	Rs.
For Every tram-car.	50
For Every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals.	10
For Every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals.	5
For Every bicycle or tricycle.	2
For Every other vehicle with springs or other appliances acting as springs not being a child's perambulator or go-cart.	3
For Every elephant.	12
For Every camel.	6
For Every horse or mule not under 12 hands.	6
For Every horse or mule under 12 hands.	2
For Every bullock or bull.	1
For Every male buffalo.	1
	AS.
For Every ass.	8
For Every dog.	8
For Every pig.	8
For Every goat.	8

1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This rule was substituted for the original rule by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

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(2) If within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death, shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of day for which the carriage which has been destroyed or the animal which has died and the carriage or animal replacing such carriage or animal have been kept during the half-year.]

[1][21.***]

[2][***]

[2][22.***1

[3][22-A. ***]

APPEALS

[4][23. An appeal shall lie to the [5][Taxation Appeals Committee] in respect of the assessment and imposition of the following taxes and of no others :---

(a) assessments made by the [5][Regional Director of Municipal Administration] under rule 3 ;

[6][(aa) any order passed by the Executive Authority under rule 4 ;]

(b) the proceedings of the '[Executive Authority] under rule 19;

[8][(c) the order of the Executive Authority under rule 13 upon a revision petition ; and]

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1. This rule was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
2. This rule and the headings thereof were omitted by section 155 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This rule was omitted by section 3 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
4. This rule was substituted for the original rule by section 156 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
5. Substituted by Tamil Nadu Act 15 of 1987.
6. Inserted by Tamil Nadu Act 15 of 1987.
7. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
8. This clause was inserted by section (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).

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(d) the imposition by the [1][Executive Authority] of any tax on any carriage, animal, or cart, or of the tax on servants.]

[2][23-A. ***]

[3][24. ***]

25. An [4][appeal] shall be made in writing and shall set forth concisely and under distinct heads the grounds of objection to the decision or other proceedings appealed against.

26. No appeal to the [5][Taxation Appeals Committee] shall be heard —

(a) [6][unless it reached the municipal. office] —

(i) within fifteen days from the service [7][***] of the notice [8][***] referred to in sections 95 and 102 ; or

(ii) within fifteen days from the date upon which the tax becomes payable under section 86 or 105 or [9][under rule 13 or 15] ; or

(iii) within three days from the service of the notice referred to in section 108

Provided that the [10][Taxation Appeals Committee] may admit an appeal within fifteen days after the time prescribed in this rule, if cause be shown to its satisfaction for not preferring it within the prescribed time ; and

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This rule was omitted by section 3 *(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
3. This rule was omitted by Tamil Nadu Act 15 of 1987.
4. This word was substituted for the words, figures and letters "appeal under rule 22-A, 23 or 23A by section 3 (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
5. Substituted by Tamil Nadu Act 15 of 1987.
6. These words were substituted for the words "unless it be presented at the Municipal Office" by Local Administration Department Notification No. 539, dated the 10th May 1941, published at page 346 of Part 1-A of the Fort St. George Gazette, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement of Part 1-A of the Fort St. George Gazette, dated the-27th April 1948.
7. The words "or sending" were omitted by section 157 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
8. The words "or table" were omitted by *ibid.*
9. These words and figures were substituted for the words and figures "under rule 15" by Local Administration Department Notification No. 630, dated the 18th August 1942, published at page 680 of Part 1-A of the Fort St. George Gazette, dated the 8th September 1942, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
10. Substituted by Tamil Nadu Act 15 of 1987.

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(b) unless [1][(except when the Executive Authority otherwise directs on the ground of poverty in respect of any tax other than the property tax levied under clause *(a)* of sub-section (1) of section 78)], the tax in respect of which the appeal is presented has been deposited at the municipal office [2][within the period specified in sub-clause (i), *(ii)* or *(iii)* of clause (a), as the case may be, or where an appeal is presented for admission under the proviso to the said clause] on or before the day upon which the appeal is presented.

[3][26-A. Notwithstanding anything to the contrary contained in rules 13, 15 and 26, in the case of any person preferring an appeal to the Council in respect of any order of the Executive Authority under rule 13, upon a revision petition :-

(a) if the tax assessed upon such person does not exceed fifteen rupees, then, such person shall not be required to pay the tax in respect of which the appeal is preferred until the disposal of such appeal by the Council ; and

(b) if the tax assessed upon such person exceeds fifteen rupees but does not exceed thirty rupees, then, such person shall be required to pay only the tax payable by him before the revision made under rule 8 ; and such person shall not be required to pay the amount of tax enhanced in the revision in respect of which the appeal is preferred until the disposal of such appeal by the Taxation Appeals Committee.]

[4][26-B. Any appeal against the decision of the Taxation Appeals Committee may be filed within thirty days from the date of receipt of the order of the Taxation Appeals Committee in the District Court concerned.]

27. The assessment books maintained under [5][sub-rule (1) of rule 2] shall be corrected in accordance with the [6][decision of the Taxation Appeals Committee and]; in the event of the amount of any tax being [7][reduced or remitted by the said committee], the [8][Executive Authority] shall grant a refund accordingly.

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1. This expression was substituted for the expression "(except when the Executive Authority otherwise directs on the ground of poverty) by section 3 (v) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
2. This expression was inserted by section 157 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
3. This rule was inserted by section 3 (vi) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
4. Inserted by G.O.Ms.No. 127 MA & WS dated 27-5-1999.
5. These words and figures were substituted for the word and figure "rule 3" by section 158 (i) of Tamil Nadu Act X of 1930.
6. These words and figures were substituted for the words, figures and letters "orders passed under rule 22-A, 23, 23-A, or 24" by section 3 (vii) (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
7. These words were substituted for the words "reduced or remitted by any officer appointed by the District Collector in this behalf or the Council" by section 3 (vii) (b) of the Tamil Nadu District Municipalities (Amendment) Act, 1970 (Tamil Nadu Act 30 of 1970).
8. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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[1][28. ***]

[2][28-A. [3](1) The powers of the Executive Authority under rule 4 and of the Taxation Appeals Committee under rule 23 shall, during any period in respect of which the State Government may, by notification, so direct,. be exercised by a special officer appointed by them ; and thereupon, the Executive• Authority, or as the case may be, the Taxation Appeals Committee, shall cease to exercise the said powers during the said period, and

(i) rule 4 shall have effect as if for the expression Executive Authority" occurring therein, the expression "special officer appointed under rule 28-A" were substituted ;

(ii) rule 23, rules 25 to 28 shall have effect as if for the expression "Taxation Appeals Committee" wherever it occurs in those rules, the expression "special officer appointed under rule 28-A" were substituted.

(2) The special officer appointed under sub-rule (1) shall have all the powers of the Executive Authority under rule 4 and clause (b) of rule 26 and of the Taxation Appeals Committee under rule 23, rules 25 to 28, as are necessary for the purpose of exercising his powers under the said sub-rule and he shall be entitled to the same protection as the Executive Authority, or the Taxation Appeals Committee, as the case may be, is entitled.]

(3) The special officer shall be paid out of the municipal fund such salary and allowances as the [4][State Government] may, in consultation with the Council, fix. If a Government servant is appointed special officer, the Council shall also [5][make such contribution towards the pension and leave allowances of that servant as may be required, by the conditions of his service under the [6][Government] to be made by him or on his behalf].

COLLECTION OF TAXES

[See section 124]

29.[7][(1) Where any tax not being a tax in respect of which a notice has to be served under section 95, 102 or 108 or in respect of which a direction has

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1. Omitted in G.O.Ms.No. 127 MA & WS dated 27-5-1999.
2. Rule 28-A was inserted by section 159 (2) of Tamil Nadu Act X of 1930.
3. Substituted by Tamil Nadu Act 15 of 1987.
4. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
5. These words were substituted for the words "pay the Local Government such contribution towards the pension and leave allowances of such servant as may be payable under the regulations in force for the time being of the branch of Government service to which he belongs" by the Adaptation Order of 1937.
6. This words was substituted for the word "Crown" by the Adaptation Order of 1950.
7. This sub-rule was substituted for the original sub-rule by section 161 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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to be given under rule 13, is due from any person, the ' [Executive Authority] shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 30.]

(2) [2][A notice under section 95, 102 or 108 and a bill under sub-rule (1) shall be signed by the [1][Executive Authority] and shall contain

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged ; and

(b) a notice of the liability incurred in default of payment.

[3][(3) Where a notice, bill or direction referred to in sub-rule (1) has not been served or given either- in the half-year in which the tax became due or in the succeeding half-year, the tax for the half-year first mentioned in this sub-rule [4](shall not be recovered in the manner laid down in rule 30)] :

Provided that where the assessment books have been amended under rule 4, the notice, bill or direction, as the case may be, may be given either in the half-year in which the amendment was made or in the succeeding half-year.]

[5][(4) Nothing contained in this rule or in rule 30 shall preclude the Council from suing in a Civil Court for any tax due to it under this Act.]

30(1) If the amount due on account of any tax is not paid within fifteen days from the service [6](xxx) of the notice [7](xxx) or bill or the giving of the directions referred to in section 95 and 102 and rules 13 and 29 or within three days from the service of the notice referred to in section 108 and if the person from whom the tax is due has not show cause to the satisfaction of the [1](Executive Authority)[1]

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. This words and figures were substituted for the words "Such bill"' by section 161 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. This sub-rule was inserted by section 171 *(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words and figures were substituted for the words "shall not be demanded" by Local Administration Department Notification No. 735, dated the 25th June 1940, published at page 432 of Part 1-A of the Fort St. George Gazette, dated the 2nd July 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
5. This sub-rule was added by Local Administration Department Notification No. 735, dated the 25th June 1940, published at page 432 of Part 1-A of the Fort St. George Gazette, dated the 2nd July 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
6. The words "or sending" were omitted by section 162 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
7. The word "table" was omitted by *ibid.*

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why it should not be paid, the [1][Executive Authority] may recover by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax together with the warrant fee and the distraint fee, and with such further sum as will satisfy the probable charges that will be incurred in connexion_ with the detention and sale of the property so distrained :

Provided always that movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908), shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's property is impracticable, the [1][Executive Authority] may prosecute the defaulter before a magistrate.

(3)[2][***]

(4) The warrant under sub-rule (1) shall be in the form contained in Appendix A to these rules or in some similar form ; and for each such warrant, a fee of two annas [3][shall be levied].

(5) Under a special order in writing of the [1][Executive Authority], any officer charged with execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment appropriated to women, until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

31. (1) The officer charged with the execution of a warrant, shall, before making the distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid, no distraint shall be made, [4][but if the tax or fee is not paid,] the officer shall —

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. Sub-rule (3) was omitted by Local Administration Department Notification No. 735, dated the 25th June 1940, published at page 432 of Part 1-A of the Fort St. George Gazette, dated the 2nd July 1940, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
3. These words were substituted for the words "shall be leviable" by section 162 *(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the words "but, if not" by section 163 (i) (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(a) seize such movable property of the defaulter as he may think necessary ;

(b) make an inventory of the property seized ; and

(c) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale in the form in Appendix B to these rules or in some similar form :

[1][Provided that a period of seven days shall be allowed for paying the amount due and redeeming the property seized.]

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible [2][equal in value to the tax], due by the defaulter together with all expenses incidental to the warrant, distraint, detention and sale.

32. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 31 and if the distraint warrant is not suspended by the [3][Executive Authority], the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the [3][Executive Authority], who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the [3][Executive Authority] may again proceed under rule 30 in respect of the sum remaining unpaid.

(2) When the property seized is subject to speedy and natural decay, the [3][Executive Authority] may sell it, at any time before the expiry of the said period of seven days, unless the amount due is sooner paid.

(3) The [3][Executive Authority] shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the [3][Executive Authority]

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1. This proviso was added by section 163 *(i) (b)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the words "proportionate in value to the sum" by section 163 *(ii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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decided that the property attached was not liable to distraint, he shall return it, or if it has already been sold, the proceeds of the sale to the person appearing to be entitled thereto and may again proceed under rule 30 ; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the [1][Executive Authority] that he wilfully permitted the distraint of the property [2][when to his knowledge it was not liable] to distraint.

33. (1) Distraint fees shall be payable at such rates not exceeding those mentioned in Appendix C to these rules as may be, from time to time, determined by the Council.

(2) Such fees shall not be held to include the expenses incidental to the detention of any property distrained under this Act.

34. The property of a person in default under [3][sub-rule (1) of rule 30] may be distrained wherever it may be found within the Municipality.

35. If the tax due on account of any building or land [4][remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30], the [1][Executive Authority] may, if the said tax has not remained unpaid for more than twelve months, require the occupier for the time being of such building or land to pay the amount within a specified period [5][not being less than fifteen days] and if the occupier fails to comply with [6][such requisition], [3][the Executive Authority] may distrain and sell any movable property [7][found on the building or land], and the provisions of the foregoing rules shall, *mutatis mutandis*, apply to all distraints and sales effected under this rule: provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule, unless he has wilfully prevented distraint or a sufficient distraint.

[8][35-A. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 30 and if such person has left [9][***] India or cannot be found, the said tax or such part thereof as

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1. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
2. These words were substituted for the words "which to his knowledge was not liable" by section 164 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words and figures were substituted for the word and figures, "rule 30" by section 165 (i) (a) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words, brackets and figures were substituted for the words and figures "remain unpaid at the end of the period mentioned in rule 30" by section 166 (1) *ibid.*
5. These words were inserted by section 166 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
6. These words were substituted for the words "this requisition" by section 166 (iii), *ibid.*
7. These words were substituted for the words "found on the premises" by section 166 (iv), *ibid.*
8. This rule was inserted by section 167, *ibid.*
9. The words "British" was omitted by the Adaptation (Amendment) Order of 1950.

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remains unpaid together with all sums payable in connexion therewith shall be recoverable as if it were an arrear of land revenue.]

36. [1][(1)] Every person who is prosecuted [2][under sub-rule (2) of rule 30] shall be liable, on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of —

(a) the tax and the warrant fee, if any, and

(b) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained [3][***].

[4][(c) ***]

[5][(2) Whenever any person is convicted of an offence under sub-rule (1), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Municipal Council —

the amounts, if any, due under the heads specified in clauses *(a)* and *(b)* of sub-rule (1) ; and may in his discretion also recover summarily and pay to the Council such amount, if any, as he may fix as the costs of the prosecution.]

[6][36-A. Neither the[7][Executive Authority] nor any municipal officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.]

PART II - FINANCE RULES.

[See Section 124]

AUTHORISED OBJECTS OF EXPENDITURE.

37. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by by-laws or rules, and in general everything necessary for, or conducive to the safety, health, convenience or education of the inhabitants or to the amenities of the Municipality and

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1. Rule 36 was re-numbered as sub-rule (1) of that rule by section 168 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words and figures were substituted for the words and figures, "under rule 30" by section 168 (1) (ii), *ibid.*
3. The words "and he shall also pay the said amount and the costs of the prosecution" were omitted by section 168 (1) (iii), of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. Clause (c) was omitted by section 168 (1) (iii), *ibid.*
5. This sub-rule was added by section 168 (2), *ibid.*
6. This *rule* was inserted by section 169, *ibid.*
7. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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everything incidental to the administration ; and the fund shall be applicable thereto within the Municipality subject to these rules and such further rules or special orders as the [1][State Government] may prescribe or issue ; and shall be applicable thereto without the Municipality, if the expenditure is authorised by this Act, or specially sanctioned by the [1][State Government].

38. The objects of expenditure connected with the public safety include the following : —

(a) the lighting of public streets and the provision, purchase, exploitation and maintenance of electric, gas or other undertakings for lighting public and private streets, places and buildings ;

(b) extinction of fires ;.

(c) control, supervision or removal of dangerous places, buildings, trades and practices ;

(d) regulation of traffic ;

(e) prevention and removal of obstructions in public streets or places ;

(*f*) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity.

39. The objects of expenditure connected with the public health include the following : —

(a) the construction and maintenance of hospitals and dispensaries and temporary places of reception within the Municipality or without the Municipality for the treatment of infectious diseases occurring in the Municipality ; building hospitals and dispensaries and places of reception for the sick in general ; contributing towards hospitals, dispensaries or places of reception provided by the [1][State Government]; contracting for the use of a hospital or part of a hospital, dispensary or place of reception ; combining with any other local authority or with the [1][State Government] to provide a common hospital, dispensary or place of reception ; sending indigent inhabitants of the Municipality to institutions outside the Municipality for treatment ; the training of medical practitioners, medical subordinates, midwives, nurses, health officers, sanitary inspectors and analysts, the-provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons ; vaccination and the training and supervision of vaccinators and the provision of lymph ; the registration of births, deaths and marriages ; the enumeration of the inhabitants of the Municipality and other measures of a like nature ;

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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(b) the construction and maintenance of lunatic asylums

(c) the construction, establishment and maintenance, supervision and control of public markets and slaughter-houses ; [1][of shops, stalls and plinths]; of latrines ; *[of sewage farms and all works for the removal or disposal of sewage ; of water-works, drinking fountains, tanks and wells;] of wash-houses and dhobykhanas ; of parks, squares and gardens ; the reclamation of unhealthy localities ; and other sanitary measures of a like nature ;

(d) the cleansing and watering of streets and drains, scavenging ; the removal of excessive or noxious vegetation ; the abatement of all nuisances ;

(e) the regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria ; the provision of sites for and the closing of burial and burning grounds ; the provision of new sites for offensive and dangerous trades and of special locations for factories ; the acquisition of congested areas and the provision of new sites, whether within or without municipal limits, to relieve congestion or to provide for the growth of population ; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without municipal limits, re-distribution of sites in such extensions and all measures of a like nature [2][and the acquisition of land for any of the aforesaid purposes].

40. The objects of expenditure connected with the public convenience, education and amenities include -

(a) the construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like and the acquisition of the land necessary for the buildings to form or improve streets ; the regulation of building ; the construction of model dwellings and the encouragement of co-operative building societies by loans, grants of land, or prizes ; the removal of projections and encroachments ; the naming of streets ; the numbering of houses ; the planting and preservation of trees in public streets and places ; the maintenance of public monuments

(b) subject to rules 47 to 52, the establishment and maintenance of schools, the construction and maintenance of school-houses, public libraries and reading-rooms, museums, art-galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture or technical instruction or the training of teachers

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1. These words were inserted by section 170 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act XV of 1930).

* Substituted by Tamil Nadu Act 28 of 1978.

2. These words were added by section 170 *(ii) (a)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(c) the holding of industrial exhibitions or fairs ;

(d) the construction, maintenance and adornment of public halls and theatres the acquisition and maintenance of recreation grounds, playing fields and promenades

(e) subject to all provisions of law, the construction, maintenance and purchase or exploitation of tramways and other transport, services (railways not included), of telephone systems, grass farms, dairies, public bakeries and [1][other agricultural, industrial or trading concerns] of public utility either within or without the municipal limits and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concerns ;

(f) the employment of veterinary officers, the prevention of diseases of animals, the places for the treatment of sick animals, and the prevention of cruelty to animals;

(g) the construction and maintenance of rest-houses, choultries, poorhouses, pounds and other works of public utility;

(h) the provision and maintenance or holding of zoological and horticultural gardens and exhibitions ;

(i) the provision of standard weights, scales and measures and public weighing places ;

(j) the provision and maintenance of public baths and bathing places;

(k) the provision of music for the people ;

(1) the provision and maintenance of public clocks and clock towers or a time gun ;

(m) the organisation and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

41. With the previous sanction of the [2][State Government and of the Central Government], the Council may —

(a) upon any of the public streets in the town or upon any land in or without the town which is vested in the Council construct or maintain any railway which may appear to the Council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act ;

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1. 1 These words were substituted for the words "other industrial concerns" by section 171, of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The words "Provincial Government and of the Fedeal Railway Authority or the Central Government" were substituted for the words "Governor-General in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950 and the words "the Federal Railway Authority or" were omitted by the Adaptation (Amendment) Order, 1950.

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(b) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby ;

(c) carry and convey passengers and goods upon any such railway ;

(d) make such reasonable charges in respect of such passengers or goods as the Council may, from time to time, determine ;

(f) from time to time, enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages all wagons belonging to or controlled by such person upon the payment of such tolls or rent, and under such - conditions and restrictions, as may be mutually agreed upon ; and

(g) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon.

NOTE .— The term 'railways' in this rule does not include 'tramways'

42. The objects of expenditure incidental to the administration include

(a) the provision and maintenance of a principal municipal office and record-room and of other offices with the cost of appurtenances and fittings and insurance ;

(b) salaries, allowances, liveries, pensioner contributions and provident fund contributions, gratuities, and pensions of, and the cost of hire of vehicles for, the municipal officers and servants ; study leave allowances of professional officers and subordinates ; sending municipal servants to the Pasteur Institute, Coonoor, for treatment ;

(c) stationery, printing and all office and advertising expenses ;

(d) legal expenses ;

(e) election expenses ;

(f) the provision and maintenance of municipal work-shops ;

(g) municipal surveys, the preparation of maps of the Municipality and the preparation and maintenance of a record of right immovable property.

OBLIGATORY EXPENDITURE

[1][42-A. The Municipal Council —

(1) shall make provision for the construction, maintenance, diversion and

1. This rule was inserted by Local Administration Department Notification No. 542, dated the 12th May 1941, published at page 348 of Part 1-A of the Fort St. George Gazette, dated the 20th May 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.

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improvement of streets, bridges, causeways, culverts and the like to such extent as the [1][State] Government consider necessary and practicable ; and

(2) shall not divert such provision to other purposes without the express sanction of the [1][State] Government.

43. (1) Expenditure on the following objects is obligatory subject to special directions that the [2][State Government] may issue in respect of any Municipality by notifications :—

(a) the principal municipal office and record-room ;

(b) maintenance of public property and monuments vested in the Municipality;

(c) maintenance of property owned by the Municipality ;

(d) salaries and pensionary and provident fund contributions, gratuities, and pensions for the municipal officers and servants according to the conditions on which such persons entered the municipal service ;

(e) scavenging ;

(f) lighting the public streets ;

[3]*[(ff)* planting and preservation of trees in public street and places ;]

(g) burial and burning grounds where no sufficient number is provided by other agency;

(h) medical relief to the extent laid down in rules 44, 45 and 46 ;

(i) diffusion of education to the extent laid down in rules 47 to 51;

(j) registration of births and deaths

(k) vaccination

(1) provision of slaughter-houses;

(m) payment of interest on, and amortization of, debt (if any)

(n) payment of the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the Municipal Council, and the maintenance of the election establishment;

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1. The word was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. Inserted by Tamil Nadu Act 23 of 1987.

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Explanation .— The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of [1][the Government] or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections.

[2][(o) payment of such contribution towards the cost of training Commissioners of Municipalities as may be fixed by the [3][State] Government.

Explanation .— The cost of training Commissioners may include the Whole or such part as the Government deem equitable, of the pay, pensionary or provident fund contribution and leave and other_ allowances, if any of the officers and servants of the [4][Government] or of any other authority employed and other incidental expenses incurred in connexion with such training.]

[5]*[(p)* payment of travelling allowance of a person appointed as Commissioner of the Municipality in respect of his journey to join the appointment.

(q) all other objects declared obligatory by law or rule].

(2) The [6][State Government] shall determine every year the amount of the election expenses referred to in clause *(n)* of sub-rule (1) and their determination shall be final and binding on the Municipal Council. Such amount shall have priority over all other charges except charges for the service of authorised loans including the loans and advances specified in section 124-A, and the expenses specified in sub-sections (2) and (3) of section 39.

OBLIGATORY MEDICAL EXPENDITURE

44. (1) The Council shall provide and maintain either from endowments or from the municipal fund or by grant-in-aid therefrom in accordance with such rules as may, from time to time, be prescribed by the [6][State Government] —

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1. The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
2. Original clause *(o)* was re-lettered as clause *(p)* and a new clause *(o)* was inserted by Local Administration Department Notification No. 985, dated the 28th August 1940, published at page 634 of Part 1-A of the Fort St. George Gazette, dated the 3rd September 1940 re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
3. This word was substituted for the word "Provincial " by the Adaptation Order of 1950.
4. This word was substituted for the word "Crown" by, *ibid.*
5. Original clause *(p)* was re-lettered as clause *(q)* and a new clause *(p)* was inserted by Local Administration Department Notification No. 1165, dated the 11th November 1941, published at page 866 of Part 1-A of the Fort St. George Gazette, dated the 25th November 1941, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
6. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

(a) a hospital or dispensary where the sick poor of the Municipality shall be entitled to receive medical and surgical advice and treatment free of charge ; and

(b) a hospital for the treatment of patients suffering from infectious diseases in the Municipality.

The Council shall provide and maintain more than one such hospital or dispensary, if the [1][State Government] so direct provided that the [1][State Government] shall not so direct until the Council shall have had an opportunity of submitting its views on the subject to the [1][State Government] :

Provided further that the Council shall not be bound to provide or maintain such hospitals or dispensaries when, in the opinion of the [1][State Government], sufficient provision has otherwise been made for the treatment free of charge of the sick poor and the treatment of patients suffering from infectious diseases in the Municipality.

(2) Any inhabitant of the Municipality, who is not a fit object of public charity, may, subject to such regulations as the Council with the approval of the [1][State Government] may from time to time, frame, obtain medical or surgical advice and treatment from any hospital or dispensary maintained by the Council from endowments or from the municipal fund ; provided that any charges incurred by the Council in medical or surgical relief of persons other than the sick poor of the Municipality or those unable to pay a medical attendant shall be reimbursed by such persons.

(3) The Council may also permit the treatment in the hospitals or dispensaries maintained by it from endowments or from the municipal fund of any person not resident in the Municipality.

45. The Council shall provide every hospital or dispensary provided or maintained by it with all necessary drugs, instruments, apparatus, furniture and appliances on a scale approved by the [1][State Government], and when, in the opinion of the Council, provision for in-patients may be necessary, it shall also provide a sufficient number of cots, bedding, clothing, furniture and diet for such in-patients.

46. The Council shall employ a medical officer for any hospital or dispensary maintained by it from endowments or from the municipal fund.

OBLIGATORY EDUCATIONAL EXPENDITURE

47. The Council shall, so far as the funds at its disposal may admit, make provision for the instruction in schools of all children of school-going age resident

1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

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within the limits of the Municipality, for whose instruction provision shall not otherwise have been made.

48. The Council may provide instruction —

(i) either by schools maintained wholly from the municipal fund, or

(ii) by means of grants-in-aid to private schools from the said fund in accordance with such rules as may, from time to time, be described by the [1][State Government], or

(iii) by contributing towards the cost of Government schools, or

(iv) by more than one of such means.

49. The Council may, with the previous sanction of the [1][State Government], maintain either wholly from the municipal fund, or by grants-in-aid therefrom, elementary schools to which admission may be wholly or partly free for any class of the inhabitants which, in the opinion of the Council, is by reason of poverty unable to pay the fees leviable in schools maintained by the Council whether wholly from the municipal fund or by grants-in-aid therefrom.

50. (1) If, at any time, it seems advisable to the [1][State Government] that a grant-in-aid should be made to any school maintained solely for the instruction of the children of any particular class of the inhabitants of any Municipality [2][they may direct] the Municipal Council to make such grant to such school ; and the Council shall make it accordingly ; provided that the [1][State Government] shall not so direct until the Council shall have had an opportunity of submitting its views on the subject to the [1][State Government].

(2) The instruction to be provided by the Council shall be of such standards as may, from time to time, be determined by the [1][State Government].

51. (1) The Council shall, unless otherwise provided by any law for the time being in force, or in the case of elementary schools 'exempted by the [1][State Government] on such conditions as it may prescribe, from time to time, levy in every school maintained by it, fees as may from time to time, be determined by the [1][State Government] :

Provided that if the Council is satisfied that the parent or guardian of any child, resident in the Municipality, is by reason of poverty unable to pay for the elementary education of such child, it may remit the whole or part of the fees,

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1. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "he may direct" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930),

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but it shall not compel the parent or guardian of such child in consideration of the said relief to send such child to any particular municipal school :

Provided further that the Council may, in any secondary school, in accordance with a scheme framed by it and approved by the Director of Public Instruction, remit the whole or part of the fees of poor pupils, subject to the condition that the fee income thus foregone shall not exceed 10 per cent of the total fees realizable from all pupils of the school at the rates determined by the [1][State Government].

(2) The proceeds of all fees levied by the Council as aforesaid shall be expended by the Council for the provisions of instruction by means of schools.

DISCRETIONARY EDUCATIONAL EXPENDITURE

52. The Council may also provide wholly from the municipal fund, or by means of grants-in-aid therefrom ,-

(i) for the inspection of schools maintained by it whether wholly from the municipal fund or by grants-in-aid therefrom;

(ii) for the training of teachers for schools aided or maintained from the municipal fund;

(iii) for the instruction and training of persons for the practice of medicine, or of vaccination, or of any technical or industrial calling ; and

(iv) for the maintenance of public libraries, reading rooms, gymnasia or any other institutions connected with the diffusion of education, which may be approved by the [1][State Government].

EXTRAORDINARY EXPENDITURE

53. A Municipal Council may, with the sanction of the [1][State Government] ,-

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the Municipality;

(2) defray the cost of the preparation and presentation of addresses to persons of distinction visiting the Municipality;

(3) contribute to any charitable fund or to a fund for the defence of the Municipality [2][or India] or to the funds of any institution for the relief of the poor

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1. The words "Provincial. Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "India or the Empire" by the Adaptation (Amendment) Order of 1950.

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or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the cases of disease ;

(4) pay a conveyance allowance to the Chairman or Vice-Chairman ;

(5) pay the expenses of the Chairman, members of the Council and municipal officers and servants travelling on municipal business ; and

(6) [1][defray] any other extraordinary charges.

RECEIPTS AND PAYMENTS

54. All moneys received by the Council shall be lodged in the nearest Government treasury or, with the sanction of the [2][State Government], in a bank

Provided that the Municipal Council may, with the sanction of the [2][State Government], invest any sums not required for immediate use either in a Government savings bank or in Government securities, or in any other security which may be approved by the [2][State Government].

55. (1) [3][All orders or cheques against the municipal fund shall be signed by the [4][Executive Authority], or by some person duly authorised in this behalf by him]. The treasury or bank in which the fund is lodged shall, so far as the funds to the credit of the Council admit, pay all orders or cheques against the fund which are so signed.

(2) If the Council shall have given previous authority in writing, such treasury or bank may, at once, pay out of the municipal fund without such order or cheque any expense which the [2][State Government] [5][have incurred] on behalf of the Council.

AUDIT, SURCHARGE AND DISALLOWANCE

56. The [4][Executive Authority] shall submit all accounts to auditors as required by them.

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1. This word was inserted by the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1938 (Tamil Nadu Act XIII of 1938).
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. This sentence was substituted for the original first two sentences by section 172 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
5. These words were substituted for the words "has incurred" by the Schedule to the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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57. The auditors may

[1][(a) by summons in writing, require the production of any book, deed, contract, account, voucher, receipt or other document the perusal or examination of which they consider necessary]

(b) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

58. The auditors shall —

(a) report to the Council any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Council or in the municipal accounts;

(b) furnish to the Council such information as it may require concerning the progress of their audit ;

(c) report to the Council any loss or waste of money or other property owned by or vested in the Council caused by neglect or misconduct, with the names of persons, directly or indirectly, responsible for such loss or waste ; and

(d) submit to the Council a final statement of the audit and a duplicate copy thereof to the [2][State Government] within a period of three months from the end of the financial year, or within such other period as the [2][State Government] may notify.

59. The [3][Executive Authority] shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the Council.

60. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making, or authorising the making of, the illegal payment; and may charge against any person responsible therefor the amount of any [4][deficiency, loss or unprofitable outlay incurred] by the negligence or misconduct

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1. This clause was substituted for the original clause by Local Administration Department Notification No. 65·7, dated the 26th June 1939, published at page 450 *of* Part I-A of the Fort St. George Gazette, dated the 4th July 1939.
2. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
3. These words were substituted for the word "Chairman" by, section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. These words were substituted for the words "deficiency or loss incurred" by Local Administration Department Notification No. 657, dated the 26th June. 1939, published at page 450 of Part IA of the Fort St. George Gazette, dated the 4th July 1939.

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of that person or of any sum which ought to have been but is not brought into account by that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

[1][***Explanation*** It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.]

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 61 and 62 shall be calculated from the date of such refusal.

[2][61. (1)] Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either —

(a) apply to the principal Civil Court of original jurisdiction to set aside such disallowance, surcharge or charge and the Court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances ; or

(b) in *lieu* of such application may appeal to the [3][State Government], who shall pass such orders as they think fit.

[4][Where an application is made to the Court under clause (a), the auditor shall be the sole respondent thereto, and the applicant shall not be entitled to

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1. This Explanation was added by Local Administration Department Notification No. 427, dated the 22nd June 1943, published at page 242 of Part I-A of the Fort St. George Gazette, dated the 6th July 1943, re-enacted permanently by Local Administration Department Notification, dated the 26th April 1948, published at pages 39 to 58 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 27th April 1948.
2. Rule 61 was re-numbered as sub-rule (1) of that rule and to the rule *as* so re-numbered, new sub-rule (2) was added by Local Administration Department Notification No. 657, dated the 26th June 1939, published at page 450 of Part I-A of the Fort St. George Gazette, dated the 4th July 1939.
3. The words "Provincial Government" were substituted for the words "Local Government " by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. This paragraph was inserted by Local Administration Department Notification No. 307, dated the 6th November 1937, published at page 587 of Part I-A of the Fort St. George Gazette, dated the 9th November 1937.

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make either the [1][State Government]. or any other person a party to the proceedings.]

[2][(2) From any decision of the, Court under clause (a) of sub-rule (1), an appeal shall lie to the High Court.]

62. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the [3][Executive Authority], within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the Court or to the [1][State Government] against the decision ; and such sum if not so paid, or such sum as the Court or the [2][State Government] shall declare to be due, shall be recoverable on an application made by the [1][Executive Authority], to the Court in the same way as an amount decreed by the court.

[4][62-A. The Municipalities shall pay to the auditors out of the municipal fund such remuneration as the Government may determine.]

[5][63. Interest at the rate of six per cent per annum shall be charged on the disallowance, surcharge or charge amount due, with effect from the date following the last date fixed for payment of the said disallowance, surcharge or charge amount in the auditors' certificate referred to in sub-rule (1) of rule 60. The interest so charged on the disallowance, surcharge or charge amount overdue shall be specified in the said certificate itself in precise terms, as laid down in section 34 of the Civil Procedure- Code, 1908 (Central Act V of 1908)].

[6][64. Notwithstanding anything contained in these rules, the [7][State] Government may, at any time, direct that the recovery of the whole or any part of the amount certified to be due from any person by auditors under this Act shall be waived, if in their opinion, such a course is necessary considering all the circumstances of the case.

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1. This expression was substituted for the expression "Government of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970,which came into force on the 14th January 1969.
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.
4. Rule 62-A was inserted by G.O. Ms. No. 880, RDLA, dated 2nd June 1979.
5. Rule 63 was re-numbered as rule 64 and the present rule 63 was inserted by GO. Ms. No. 1961 R.D. & L.A., dated the 4th September 1974.
6. This rule was added by Local Administration Department Notification No. 657, dated the 26th June 1939, published at page 450 of Part 1-A of the Fort St. George Gazette, dated the 4th July 1939.
7. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

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[1][APPENDIX A]

DISTRAINT WARRANT

[See Rule 30 (4)]

Warrant No.

To

_____

_____

(Name or officer charged with execution of warrant.)

(State tax or taxes due and premises, if any, in respect of which the tax or. taxes are due.)

WHEREAS _____of _____ has not paid or shown sufficient cause for the non-payment of the sum of Rs. _____due for the tax or taxes noted above for the _____ending _____ 20____ , although the said sum has been duly demanded from the said and fifteen* days have elapsed since such demand was made. This is to command you to demand the said sum of Rs. _____together with annas two for warrant fee, failing payment of which you are to distrain the goods and chattels of the said _____ (or, as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of Rs._____ together with Rs.___ _____ for warrant fee and distraint fee making together a sum of Rs. _____ and such further sum as may be sufficient to defray the charges of keeping and selling such distraint ; and if within seven days next after such distraint, the amount due on account of the said tax or taxes and fee shall not be paid, together with such further sum as may be sufficient to defray the charges of keeping such distraint, to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the municipal office the sale-proceeds of the distrained property, out of which the amount due on account of the said taxes and fees, viz., Rs._____ and the charges on keeping, and selling such distraint will be deducted and credited to the municipal fund, and the surplus, if any, returned to the owner of the goods and chattels distrained. If distraint or sufficient distraint cannot be found of the goods and chattels of the said _____ , you are to certify the same to me together with this warrant.

Station : *[Signature of the [1](Executive Authority)]*.

Date :

[*Three' days in case of tax on servants.]

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1. Appendices A, B and C were substituted for the original Appendices by section 173 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Chairman" by section 17 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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[1][APPENDIX B]

FORM OF INVENTORY AND NOTICE

[*See* Rule 31 (1) (c)]

(State particulars of goods and chattels seized.)

Take notice that I have this day _____ seized the goods and chattels specified in the above inventory for the sum of Rs._____ due for. the tax or taxes mentioned in the margin _____ for the_____ ending, ; 20 _____ ; and that unless you pay into the office of the Municipality of _____ the amount due together with the warrant fee, the distraint fee and cost of keeping the goods and chattels, within seven days from the date of this notice, the goods- and chattels will be sold on the _____ day of _____ 20 _____, at the Municipal office or at such other place as the [1][Executive Authority] may direct, and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

(Signature of the officer executing the warrant of distress)

Station:

Date:

1. Appendices A, B and C were substituted for the original Appendices by section 173 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

[1][APPENDIX C]

TABLE OF FEES PAYABLE ON DISTRAINTS

[*See* Rule 33 (1)]

Sum distrained for.	Fees.		
	Rs.	A.	P.
Under 1 rupee	0	4	0
1 rupee and over but under 5 rupees.	0	8	0
5 rupee and over but under 10 rupees.	1	0	0
10 rupee and over but under 15 rupees.	1	8	0
15 rupee and over but under 20 rupees.	2	0	0
20 rupee and over but under 25 rupees.	2	8	0
25 rupee and over but under 30 rupees.	3	0	0
30 rupee and over but under 35 rupees.	3	8	0
35 rupee and over but under 40 rupees.	4	0	0
40 rupee and over but under 45 rupees.	4	8	0
45 rupee and over but under 50 rupees.	5	0	0
50 rupee and over but under 60 rupees.	6	0	0
60 rupee and over but under 80 rupees.	7	8	0
80 rupee and over but under 100 rupees.	9	0	0
100 rupees and over	10	0	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each peon.]

1. Appendices A, B and C were substituted for the original Appendices by section 173 of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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SCHEDULE V

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE UNDER SECTION 249

[*See* section 249]

[1][(a) Washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping washed clothes ;]

(b) boiling paddy or camphor;

(c) melting tallow or sulphur ;

(d) storing or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins;

(e) washing or drying wool or hair;

[2][(ee) Storing or keeping blankets for the purpose of hiring;]

(f) making fish-oil;

(g) making soap, dyeing, boiling or pressing oil, [3][burning] bricks, tiles, pottery or lime ;

(h) manufacturing or distilling sago; manufacturing artificial manure [4][manufacturing beedies or cigars] ;

(i) manufacturing gunpowder or fireworks ;

(j) keeping a public halting-place, choultry or other rest-house for travellers (other than a choultry or rest-house maintained by the Government or a local authority), a hotel, restaurant, eating-house, coffee house, boarding house or lodging house (other than a students' hostel under public or recognised control) ;

(jj) keeping a shaving or hair-dressing saloon ;

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1. This clause was substituted for the original clause by the Health Department Notification, dated the 27th November 1951, published at page 286 of Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 14th December 1951.
2. This item was added by G.O. Ms. No. 893, L.A., dated the 27th April 1959.
3. This word was substituted for the word "making" by section 174 (1) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These words were substituted for the words "manufacturing beedies" by Public Health Department Notification No. 293, dated the 3rd July 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11th July 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part 1-A of the Fort St. George Gazette, dated the 5th April I949.

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(k) keeping together twenty or more sheep or goats or ten or more pigs or head of cattle ;

(1) preparing flour or articles made of flour for human consumption or sweetmeats ;

(m) manufacturing ice or aerated waters ;

[1][*(mm)* brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not), by distillation ;]

(n) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal ;

[2][*(o)* selling wholesale or retail, or storing for wholesale or retail trade or for purposes other than private or domestic use, grain, groundnut, [3][tamarind], chillies, jaggery, pulses, flour, bran, oil-cakes or agricultural produce which is likely to attract rats ;]

(p) [4][manufacturing jaggery, sugarcandy or syrup otherwise than as a cottage industry by tappers or persons in enjoyment of the trees carried on in their own premises ;]

[5]*[(q)* storing any explosive or combustible materials :]

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1. This clause was inserted by Public Health Department Notification No. 381, dated the 18th October 1946, published at page 319 of Part I-A of the Fort St. George Gazette, dated the 26th November 1946.
2. This clause was substituted by Public Health Department Notification No. 30, dated the 18th December 1944, published at page 18 of Part I-A of the Fort St. George Gazette, dated the 23rd January 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948, by Public Health Department Notification, dated the .28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949, for clause (o) as amended by Public Health Department Notification No. 58, dated the 18th January 1944, published at page 43 of Part I-A of the Fort St. George Gazette, dated the 15th February 1944 and Public Health Department Notification No. 176, dated the 15th April 1944, published at page 108 of Part I-A of the Fort St. George Gazette, dated the 25th April 1944, which were re-enacted permanently by Public Health Department Notification, dated the 28th March 1949, referred to above.
3. This word was inserted by Public Health Department Notification No. 254, dated the 12th June 1945, published at page 146 of Part I-A of the Fort St. George Gazette, dated the 19th June 1945, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the. 28th March 1949, published at pages 23 to 32 of the Rules Supplement to. Part I-A of the Fort St. George Gazette, dated the 5th April 1949.
4. This clause was substituted by Public Health Department Notification, dated the 31st March 1949, published at page 33 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949, for clause (p) as amended by Public Health. Department Notification No. 424, dated the 23rd November 1943, published at page 394 of Part I-A of the Fort St. George Gazette, dated the 23rd November 1943, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules. Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.
5. Clauses (q), (r) (s) and (t) were substituted for the original clause (q) by section 174 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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[1][Provided that no licence shall be required for storing petroleum and its products in quantities exceeding those to which the .operation of this Act is limited by the provisions of the Petroleum Act 1934 (Central Act XXX of 1934), or the rules or notifications issued thereunder;]

[2][*(qq)* selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn;]

[3][(r) manufacturing anything from which offensive of unwholesome smells arise;

(s) using for any industrial purpose any fuel or machinery [4][other than such machinery as may, by notification, be exempted by the [5][State] Government, from time to time] ; and

(t) in general, doing in the course of any industrial process anything which is likely to be dangerous to human life or health or property :]

Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, or coal or [6][for boiling paddy or for keeping soiled clothes or washed clothes or for washing soiled clothes when such storage or boiling, keeping or washing is] for private use :

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1. This proviso was added by Public Health Department Notification No. 425, dated the 29th September 1944, published at page 253 of Part I-A of the Fort St. George Gazette, dated the 31st October 1944, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.

2. This clause was inserted by Public Health Department Notification No. 176, dated the 15th April 1944, published at page 108 of Part I-A of the Fort St. George Gazette, dated the 25th April 1944, re-enacted permanently by *ibid.*

3. Clauses (q), *(r) (s)* and *(t)* were substituted for the original clause *(q)* by section 174 (ii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

4. These words were inserted by Local Administration Department Notification No. 1171, dated the 17th November 1941, published at page 868 of Part I-A of the Fort St. George Gazette, dated the 25th November 1941, re-enacted permanently with retrospective effect on and from the 30th April 1948 by Public Health Department Notification, dated the 28th March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5th April 1949.

5. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

6. These words were substituted by Health Department Notification, dated the 27th November 1951, published at page 286 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 1st December 1951, for the words "when such storage of boiling" which were inserted by section 174 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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[1][Provided further that no licence shall be required under this Act for a lodging house as defined in the [2][Tamil Nadu] Public Health Act, 1939, (2[Tamil Nadu] Act III of 1939), if the keeper thereof has been registered under that Act.]

SCHEDULE VI

LIST OF DANGEROUS DISEASES

[*See* Section 287]

Acute influenza	Leprosy.
pneumonia.	Plague.
Anthrax.	Smallpox.
Chickenpox.	Tuberculosis.
Cholera.	Typhoid fever.
Diptheria..	Influenza.
Enteric fever.	Relapsing fever.
Glanders.	Rabies.

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1. This proviso was added by section 28 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modification by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.111) Act, 1948 (Tamil Nadu Act IX of 1948).
2. 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, which came into force on the 14th January 1969.

SCHEDULE VII

ORDINARY PENALTIES

[*See* Section 313]

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
[1][30	(1)	Interested Councillor voting or taking part in discussion	Fifty rupees].
88	..	Failure to give notice of transfer of title or to produce documents.	Fifty rupees.
89	[2][(1)]	Failure to send notice to [3][executive authority] after completion of construction or re-construction of building	Do.
91	(1)	Failure of owner or occupier to furnish return of rent, etc.	One hundred rupees.
96	..	Failure of owner or occupier to obey requisition to furnish list of persons carrying on profession, art, etc.	Do.
97	..	Failure of employer or head of an office, firm or company to obey requisition to furnish list of persons in his employ.	Do.
102	[4][(2)]	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement.	Ten rupees.

1. This item was inserted by section 175 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This figure was entered by section 175 (ii), *ibid.*
3. These words were substituted for the word "Chairman" by section 17 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
4. This figure was entered by section 175 *(iii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(1)	(2)	(3)	(4)
104	..	Failure to obey order to affix and register number of carriage.	Ten rupees.
105	(2)	Failure of owner to register cart or other vehicle.	Do
	(3)	Failure to have or keep registration number to cart.	Do.
[1][109	..	Failure to furnish lists of servants employed. [2][***]	Fifty rupees.]
[3][127]	..	Trepassing on premises connected with the supply.	Do.
130	..	Failure to maintain house connections in conformity with by-laws and regulations.	Do.
131	(2)	Failure to obey requisition to make house connection.	Do.
138.	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Do.
139	(2) & (3)	Failure to obey requisition as to house drainage.	Do.
140	(1) (b)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Do.
142	..	Unlawful construction of building over public drain.	One hundred rupees.
[4][143]	..	Failure to obey requisition regarding culverts, or to keep them free from obstruction.	Fifty rupees.
144	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do.

1. This item was inserted by section 175 (iv) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This item relating to section 113 was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
3. These figures were substituted for the figures "119" by section 175 (v) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. The figure "(2)" was omitted by section 175 (vi), *ibid.*

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(1)	(2)	(3)	(4)
146	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Fifty rupees.
147	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees.
148	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Do.
149	..	Failure to construct latrines so as to screen persons using them from view.	Twenty rupees.
151	..	Making connection with mains without permission.	Two hundred rupees.
157		Improper disposal of carcasses, rubbish and filth.	Ten rupees.
[1][158	..	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours, etc.	Twenty rupees.]
159	..	Allowing filth to flow in streets	Ten rupees.
160	..	Using cart without cover in removal of filth, etc.	Twenty rupees.
161	..	Throwing rubbish or filth into drains.	Do.
167	..	Building within regular lines of street.	One thousand rupees.
[2][168	(1)	Failure to obey orders to set back buildings.	Five hundred rupees.]
173	..	Unlawful displacement, etc., of pavement or fences, posts and other materials of public street.	Fifty rupees.
		[3][***]	

1. This item was substituted for the original item by section 175 *(vii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This item was inserted by section 175 *(viii), ibid.*
3. The entries relating to section 174-A were omitted by section 6 *(iv)* of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).

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(1)	(2)	(3)	(4)
[1][175	..	Failure to provide roads, etc., on building sites prior to disposal.	[2][Two hundred rupees.]
176	(5)	Unlawful making or laying of new private street	Five hundred rupees.
178	..	Failure to obey requisition to metal, etc., private street.	One hundred rupees.
[3][180]	..	Building wall or erecting fence, etc., in a public street.	Do.
[4][180-A		Obstructing a person in the use of a street referred to in section 180-A.	Do
181	..	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
182	..	Failure to remove permanent encroachment.	Two hundred rupees.
183	..	Failure to remove temporary encroachment	Fifty rupees.
185	..	Unlawful removal of bar, or shoring timber, or removal or extinction of light.	Twenty rupees.
186	..	Unlawful making of hole or placing of obstruction in street.	Fifty rupees.
187	..	Construction, etc., of building without licence where street or footway is likely to be constructed.	Do.
..	..	Failure to fence, etc., such building while under repair or failure to remove obstruction.	Do.
188	..	Failure to remove obstruction caused in street by fall of trees, etc., within 12 hours of fall.	Do.
189	(3)	Unlawful destruction, etc., of name of street.	Twenty rupees.

1. This item was inserted by section 175 (ix) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Do" by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).
3. These figures were substituted for the figures "183" by section 175 (x) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. This item was inserted by section 5 of the Tamil Nadu District Municipalities (Amendment) Act, 1929 (Tamil Nadu Act X of 1929).

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(1)	(2)	(3)	(4)
190	(2)	Unlawful destruction etc., of number of building.	twenty rupees.
[1][193	(5)	Constructing or reconstructing building contrary to declaration issued by Council.	Two hundred rupees.]
[2][194	(1)	Failure to obey requisition to round or splay off buildings at corners of street.	One hundred rupees.
195	..	Construction of external roofs, etc., with inflammable materials.	Fifty rupees.
196	..	Construction of door or window, etc., to open outwards on public street.	Twenty rupees.
214	..	Failure to keep external walls of premises improper repair.	Do
218	(1)	Failure to obey requisition to take down, repair or secure dangerous structure.	Five hundred rupees.
219	(1)	Failure to obey requisition to secure, lop, or cut down dangerous trees.	Fifty rupees.
220	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Do.
221	..	Failure to obey requisition to stop dangerous quarrying.	One hundred rupees.
222	..	Failure to obey notice regarding precaution against fire.	Do.
223	(1)	Constructing well, etc., without permission.	Fifty rupees.
	(3)	Failure to obey notice to fillup or demolish well, etc.	Do.
224	..	Failure to obey requisition to fill up, etc., tank or well, or drain off water, etc.	Do.
225	..	Cultivating contrary to prohibition or regulations.	Five hundred rupees.

1. This item was inserted by section 175 (xi) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(1)	(2)	(3)	(4)
226	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.
[1] [227-A	..	Obstructing a person in the use and enjoyment of a well, tank or reservoir referred to in section 227-A.	One hundred rupees.
228	..	Unlawful washing and fishing in river, etc., after prohibition or contrary to regulations.	[Fifty rupees][2]
230	..	Washing of clothes by washer m en at unauthorised places.	[Twenty rupees][2]
231	..	Defiling water of tanks, etc.	[Fifty rupees.][2]
232	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees.
233	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do:
234	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower and enclosing wall.	Do.
235	..	Failure to obey requisition to lime wash or otherwise cleanse building.	Do.
236	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of building and fifty rupees in the case of hut.
237	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.

1. This item was inserted by section 5 of the Tamil Nadu District Municipalities (Amendment) Act, 1929 (Tamil Nadu Act X of 1929).
2. These entries were substituted for the original entries by section 175 (xii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(1)	(2)	(3)	(4)
237	(4)	Failure to obey requisition to demolish the same.	Twenty rupees for each day.
238	(1)	Allowing overcrowding in building after order to abate the same,	Ten rupees for each day.
	(4)	Failure to obey requisition to vacate overcrowded building or room.	Do.
239		Feeding animals on filth	Fifty rupees.
240	..	Unlawful keeping of animal so as to be a nuisance or [1][danger].	Ten rupees.
245	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
246	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do.
247	..	Use of place as stable, cattle-stand, etc., contrary to notice issued by [2][Executive Authority].	Two hundred rupees.
[3][249	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	One hundred rupees.
250	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
251	..	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
255	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
257	..	Slaughter of animals for sale or food or skinning or cutting up carcasses or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
258	..	Carrying on milk trade without licence or contrary to licence.	Fifty rupees.

1. This word was substituted for the word "dangerous" by section 3 (i) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XN of 1951).
2. These words were substituted for the word "Chairman" by section 17 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. This item was inserted by section 175 *(xiii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(1)	(2)	(3)	(4)
[1][259	..	Obstructing a person in the use of a market referred to in section 259.	Rs. 100]
261	..	Sale or exposure for sale in public market of animal or article [2][***] without licence or contrary to licence.	Twenty rupees.
262	..	Opening or keeping open Private Market without licence or contrary to licence.	Five hundred rupees.
263	..	Sale or exposure for sale of animal or article in unlicensed Private Market.	Twenty rupees.
264	..	Failure to obey direction to construct approaches, drains, etc., to Private Market or to pave them, etc.	Fifty rupees.
265	(2)	Opening or keeping open of Private Market after suspension or refusal of licence for default to carry out works.	Twenty rupees for each day.
266	..	Nuisances in Private Markets.	Twenty rupees.
269	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	One hundred rupees.
270	..	3[Sale or exposure for sale of animal or article in public street.]	Ten rupees.
[4][270-C	..	Using a public place or the sides of a public street or public landing place, etc.	Two hundred rupees.]
[4][270-E	..	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees.]
273	..	Preventing the [5][Executive Authority] or any person authorised by him from exercising his powers of entry, etc., under	Fifty rupees.

1. This item was inserted by section 5 of the Tamil Nadu District Municipalities (Amendment) Act, 1929 (Tamil Nadu Act X of 1929).
2. The words "of food" were omitted by section 175 *(xiv)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
3. These words were substituted for the words "Sale of article in public street" by section 175 *(xv) (a)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
4. These items were inserted by section 175 *(xv) (b), ibid.*
5. These words were substituted for the word "Chairman" by section 17 *(i)* of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).

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(1)	(2)	(3)	(4)
275	..	Removing or in any way interfering with an animal or article secured under [1][section 274].	Five hundred rupees.
[2][279	(1)	Opening, etc., without licence a new place for the disposal of the dead.	One hundred rupees.]
281	(3)	[3][Using or allowing the use] or burial or burning ground which has not been registered, licensed or provided.	One hundred rupees.]
282	..	Failure to give information of burials or burning in burial or burning ground.	Twenty rupees.
283	(3)	Burial or burning in a place after prohibition.	One hundred rupees.
284	..	Offences in respect of corpses	Fifty rupees.
285	..	Discharge of office of grave-digger or attendant at place for disposal of dead without licence.	Five rupees.
288	..	Failure of medical practitioner or owner to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
290	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	Do.
291	(3)	Washing of infected articles at unauthorised places.	Fifty rupees.
292	..	Giving, lending, etc., of infected articles.	Do.
293	..	Using water after prohibition	Do.
295	..	Infected person carrying on occupation.	Do.
296	(1)	Travelling of infected person in public conveyance without taking proper precautions against spread of disease.	Do.
	(2)	Entry of infected person into public conveyance without notifying fact of infection.	Do.

1. This expression was substituted for the word and figures "section 269" by section 175 (xvi) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This item was inserted by section 175 *(xvii), ibid.*
3. These words were substituted for the words "Use or allowance of use" by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

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(1)	(2)	(3)	(4)
296	(3)	Carrying infected person in public conveyance.	Fifty rupees.
297	..	Letting or sub-letting of infected building without previous disinfection, etc.	Two hundred rupees.
298	..	Failure to close place of public entertainment.	Do.
299	..	Sending infected child to school.	Fifty rupees.
[1][301]		Failure to give information of small pox.	Do.
302	..	Person entering Municipality within forty days of inoculation for small pox without certificate.	One hundred rupees.
321	(8)	Failure to produce licence on request.	Five rupees.
[2][325	..	Failure to obey summons.	Fifty rupees.
333	(1)	Failure of occupier to obey requisition to permit	Fifty rupees for each day.
359	..	Obstructing or molesting Municipal Council, etc.	Fifty rupees.
360	..	Removing mark set up for indicating level, etc.	Do.
361	..	Removal, etc. of notice exhibited by, or under orders of the Council.	Do.
362	..	Unlawful removal of earth, sand or other material from land vested in the Council or deposit of matter or encroachment in or on river, estuary,	Twenty rupees
Rule 57 3f Sch.IV	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Fifty rupees.

1. These figures were substituted for the figures "300" by section 175 *(xviii)* of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. This item was inserted by section 175 *(xix), ibid.*.

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SCHEDULE VIII

PENALTIES FOR CONTINUING BREACHES

[*See* Section 313]

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
(1)	(2)	(3)	(4)
130	..	Failure to maintain house-connections in conformity with by-laws and regulations.	Five rupees.
131	(2)	Failure to obey requisition to make house-connection.	Do.
138	..	Failure to maintain house drains, etc., in conformity with by-laws and regulations	Ten rupees
139	(2) and (3	Failure to obey requisition as to house-drainage.	Do.
144	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do.
146	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Do.
147	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Twenty rupees.
148	..	Failure to obey requisition to provide latrines market, cattle-stand or cart-stand or to keep clean and in proper order.	Do.
[1][167]	..	Building within regular lines of street. [2][***]	One hundred rupees.]
[3][175	..	Failure to provide roads, etc, on building sites prior to disposal].	Five rupees.
182	..	Failure to remove permanent encroachment	Ten rupees.

1. These figures were substituted for the figures "168" by section 176 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. The entries relating to section 174-A were omitted by section 6 (iv) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).
3. This item was inserted by section 29 of the Tamil Nadu District Municipalities (Third Amendment) Act, 1942 (Tamil Nadu Act XXXVIII of 1942), re-enacted permanently with specified modifications by section 3 of, and the Schedule to, the Tamil Nadu Re-enacting (No.III) Act, 1948 (Tamil Nadu Act IX of 1948).

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(1)	(2)	(3)	(4)
183	..	Failure to remove temporary encroachment	Five rupees.
186	..	Unlawful making of hole or placing of obstruction in street.	Ten rupees.
187	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Do.
[1][194	(1)	Failure to obey requisition to round or splay off buildings at corners of street.	Fifty rupees.]
195	..	Construction of external roofs, etc., with inflammable materials.	[2][Ten rupees.]
214	..	Failure to keep external walls of premises in proper repair.	Do.
220	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Ten rupees.
221	..	Failure to obey requisition to stop dangerous quarrying.	Do.
222	..	Failure to obey notice regarding precautions against fire.	Do.
224	..	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc.	Do.
226	..	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.	Do.
232	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Do.
233	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do.
234	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees or lower an enclosing wall.	Do.
235	..	Failure to obey requisition to lime wash or otherwise cleanse building.	Fifty rupees.

1. This item was inserted by section 176 (iii) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).
2. These words were substituted for the word "Do" by section 176 (iv), *ibid.*

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(1)	(2)	(3)	(4)
236	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of building and five rupees in the case of hut.
240	..	Unlawful keeping of animal so as to be a nuisance or [1][danger].	Five rupees.
245	..	use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
246	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do.
247	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by [2][Executive Authority].	Fifty rupees.
[3][249	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	Twenty rupees.
250	..	Unlawful erection of factory, work-shop, etc.	One hundred rupees.
251	..	Disobedience of order regarding nuisance.	Do.
255		Use of place as slaughter-house without licence or contrary to licence.	Fifty rupees.
262	..	Opening or keeping open Private Market without licence or contrary to licence.	One hundred rupees.
263	..	Sale or exposure for sale of animal or article in unlicensed Private Market.	Twenty rupees.
269	..	Carrying on butcher's fishmonger's or poulterer's trade without licence, etc.	Ten rupees.
[3][270-C	..	Using a public place or the sides of a public street as a public landing place, etc.	Twenty rupees.
270-E	..	Opening or keeping open a new private cart-stand without licence or contrary to licence..	Do.

1. This word were substituted for the word "dangerous" by section 3 (i) of, and the Second Schedule to, the Tamil Nadu repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).
2. These words were substituted for the word "Chairman" by section 17 (i) of the Tamil Nadu District Municipalities (Amendment) Act, 1933 (Tamil Nadu Act XV of 1933).
3. These item were inserted by section 176 (vi) of the Tamil Nadu District Municipalities (Amendment) Act, 1930 (Tamil Nadu Act X of 1930).

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(1)	(2)	(3)	(4)
279		Using without licence a place for the disposal of the dead.	One hundred rupees.]
290	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	[1][Ten rupees.]
[2][298	..	Failure to close place of public entertainment.	One hundred rupees.]
Rule 57 3f Sch IV.		Failure to obey requisition by auditors to attend, give evidence or produce document.	Twenty-five rupees.

[3][SCHEDULE IX*

LIST OF MUNICIPALITIES FOR WHICH COMMISSIONERS SHALL BE APPOINTED

[See Section 3(8-C) and 12-C]

(1) Coimbatore,* (2) Kumbakonam, (3) Madurai,* (4) Octacamund, (5) Salem, (6) Tanjore, (7) Tiruchirapalli,* (8) Tuticorin, (9) Gudiyattam, (10) Tirupattur, (11) Tiruvannamalai, (12) Vaniyambadi, (13) Vellore, (14) Walajapet, (15) Chidambaram, (16) Cuddalore, (17) Villupuram, (18) Chingleput, (19) Kancheepuram, (20) Dharapuram, (21) Erode, (22) Pollachi, (23) Tiruppur, (24) Udumalpet, (25) Bodinayakanur, (26) Dindigul, (27) Kodaikanal, (28) Palani, (29) Periyakulam, (30) Coonoor, (31) Devakottai, (32) Karaikudi, (33) Sivakasi, (34) Srivilliputtur, (35) Virudhunagar, (36) Mannargudi, (37) Mayuram,* (38) Nagapattinam, (39) Tiruvarur, (40) Palayamkottai, (41) Tirunelveli,* (42) Srirangam, (43) Karur, (44) Ambur, (45) Aruppukkotai, (46) Tiruvallur, (47) Melapalayam, (48) Mettupalayam, (49) Rasipuram,. (50) Pudukkottai, (51) Tindivanam, (52) Gobichettipalayam, (53) Rajapalayam, (54) Arni.]

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1. These words were substituted for the word "Do" by section 176 *(vii), ibid.*
2. This item was inserted by section 176 *(viii), ibid.*
3. This Schedule was substituted by clause 3 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1957 for items (1) to (61) of Schedule IX, substituted for the original Schedule by the Tamil Nadu Adaptation of Laws Order, 1954.

* With effect on and from the 1st April 1959, the following Municipalities were deemed to have been included in this Schedule, namely :-

(1) Padmanabhapuram.
(2) Colachel,
(3) Kuzhithurai.
(4) Nagercoil.
(5) Shencottah.

Please see rule 3 in the Schedule to the Tamil Nadu District Municipalities (Extension to the Transferee Terrority) Act, 1959 (Tamil Nadu Act 4 of 1959).

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[1]SCHEDULE X

[*See* Section 374]

1. Planning for economic and social development.
2. Roads and bridges.
3. Water supply for domestic, industrial and commercial purposes.
4. Public Health, sanitation, conservancy and solid waste management.
5. Urban forestry, protection of the environment and promotion of ecological aspects.
6. Safeguarding the interests of weaker sections of society, including the handicaped and mentally retarded.
7. Slum improvement and upgradation.
8. Urban poverty alleviation.
9. Provision of urban amenities and facilities such as parks, gardens play grounds.
10. Promotion of cultural, educational and aesthetic aspects.
11. Burials and burial grounds, cremations and cremation grounds and electric crematorium.
12. Cattle ponds, prevention of cruelty to animals.
13. Vital statistics including registration of births and deaths.
14. Public amenities including street lighting, parking lots, bus stops and public conveniences.
15. Regulations of slaughter houses and tanneries.

[2][16. Urban Planning including town planning.

17. Regulation of land use and construction of buildings.
18. Fire Services.]

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1. Schedule X was inserted by the Tamil Nadu District Municipalities (Amendment) Act, 1994 (Tamil Nadu Act 25 of 1994)
2. Added by Tamil Nadu Act 22 of 1996.

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