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**THE CHENNAI CITY MUNICIPAL  
CORPORATION ACT, 1919  
(Tamil Nadu Act IV of 1919)**

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**THE <sup>1</sup>[CHENNAI] CITY MUNICIPAL  
<sup>2</sup>[CORPORATION] ACT, 1919**

**[TAMIL NADU ACT IV OF 1919]**

**[Received the assent of the Governor on the 26<sup>th</sup> March, 1919, and that of the Governor – General on 2<sup>nd</sup> June, 1919; the assent of the Governor – General was first published in the \*Fort St. George Gazette on 24<sup>th</sup> June, 1919]**

An Act to consolidate and amend the law relating to the Municipal affairs of the City of <sup>1</sup>[Chennai].

**Preamble.** – WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City of <sup>1</sup>[Chennai] 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 <sup>1</sup>[Chennai] City Municipal <sup>2</sup>[Corporation] Act 1919.

(2) Except as hereinafter expressly provided, it extends only to the city of <sup>1</sup>[Chennai]

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1. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.

2. Inserted by section 2 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

\* Now Tamil Nadu Government Gazettee.

**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 Repeal of enactments.**--The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof.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, ---

<sup>1</sup>[(1) \*\*\*]

<sup>2</sup>[(1-A)] **appoint.**---“Appoint” includes to appoint temporarily or in an officiating capacity ;

(2) **appointment.**---“Appointment” includes temporary and officiating appointments ;

<sup>3</sup>[(2-A) xxx]

(3) **budget grant.**---“budget grant” means any sum entered on the expenditure side of a budget estimate which has been adopted by the council ;

<sup>2</sup>[(4) **building.**--- “building” includes ---

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure whether of masonry bricks, mud, wood, metal or any other material whatsoever ;

(b) a structure on wheels or simply resting on the ground without foundations ; and

(c) a ship, vessel, boat, tent, van and any other structure used for human habitation or used for keeping or storing any article or goods ; ]

(5) **building line.**---“building-line” means a line which is in rear of the street-alignment and to which the main wall of building abutting on a street may lawfully, extend <sup>4</sup>[and beyond which no portion of the building may extend except as prescribed in the building rules] ;

<sup>5</sup>[(6) **carriage.**---“carriage” means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle,

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1. Omitted by section 3 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958). Original clause (1) was renumbered as clause (1-A) and a new clause defining the expression ‘Adi-Dravida’ was inserted as clause (1) by section 3(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936). Clause (1) as so inserted was omitted and clause (1-A) was renumbered as clause (1) by section 2(1) of the Chennai City Municipal (Amendment) Act, 1938 (Tamil Nadu Act II of 1938); Clause (1) was again renumbered as clause (1-A) and a new clause defining the expression ‘Anglo-Indian’ was inserted as clause (1) by section 2(i) of the Chennai city Municipal (Second Amendment) Act, 1947 (Tamil Nadu Act VI of 1947) which has since been omitted as stated above.
  2. Substituted by section 3(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Clause (2-A) was inserted by Tamil Nadu Act 34 of 1995 and omitted by Tamil Nadu Act 17 of 1996.
  4. Added by section 3 (ii) of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted by the Tamil Nadu Motor vehicle Taxation Act, 1931 (Tamil Nadu Act III of 1931).

rickshaw and palanquin but does not include a motor vehicle within the meaning of the <sup>1</sup>[Motor Vehicle Act, 1939 (Central Act IV of 1939)] ;

(7) **cart.**---“cart” includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the <sup>1</sup>[Motor Vehicles Act, 1939 (Central Act IV of 1939)] ;

(8) **casual vacancy, casual election.**---“casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of <sup>2</sup>[a councillor] <sup>3</sup>[\* \* \* ] or in any other elective office, and “casual election” means an election held on the occurrence of a casual vacancy ;

<sup>4</sup>[(8-A) **cheri, hutting ground.**---“cheri” or “hutting ground” means an area containing land occupied by, or for the purpose of any collection of huts, standing on a plot of land, or two or more plots of land which are adjacent to one another, and not less than two thousand four hundred square feet in area;]

(9) **city of <sup>5</sup>[Chennai].** --- “city of <sup>5</sup>[Chennai]” or “city” means the area declared by the <sup>6</sup>[State] Government by notification to be the city of <sup>5</sup>[Chennai] but excludes Fort St. George with the glacis ;

<sup>7</sup>[(9-A) **company.** --- “company” means any company as defined in the Companies Act, 1956 (Central Act I of 1956), and includes ---

(i) any foreign company within the meaning of section 591 of that Act; and

(ii) any body corporate, or any firm or association carrying on business in the State of Tamil Nadu whether incorporated or not and whether its principal place of business is situated in the said State or not] ;

<sup>8</sup>[(9-AA) xxx]

(9-B) **cream.** --- “cream” means that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force ;

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1. Substituted by Tamil Nadu Act 56 of 1961. Now refer in Motor Vehicles Act, 1988 (Central Act 59 of 1988).
  2. Substituted for the words “a divisional councillor” by section 3(ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Omitted the words “or an alderman” by section 2(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  4. Inserted by section 3(v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.
  6. Substituted for the word ‘Local Government’ by the Adptation Order of 1937 and substituted for the word “Provincial” by the Adaptation Order of 1950.
  7. Substituted by section 3(iii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  8. Omitted by Tamil Nadu Act 26 of 1994.

<sup>1</sup>[(9-C) **dairy**.--- “dairy” includes ---

(a) any farm, cattleshed, milk store, milk-shop or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curd, butter milk or dried sterilized or condensed milk; and

(b) in relation to a dairyman who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk but does not include ---

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place] ;

(9-D) **dairyman**. --- “dairyman” includes, any occupier of a diary, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail ;

(9-E) **dairy produce**. --- “dairy produce” includes milk, butter, butter ghee, curd, butter-milk, cream, cheese and any and every product of milk ;

<sup>2</sup>[(10) **dangerous disease**. --- “dangerous disease” means an infectious disease within the meaning of section 52 of the <sup>3</sup>[Tamil Nadu] Public Health Act, 1939 (<sup>3</sup>[Tamil Nadu] Act III of 1939) which is notified as a dangerous disease by the State Government] ;

<sup>4</sup>[(10-A) ‘drain’ means a rain or storm water drain and water tables, chutes and the side 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 <sup>5</sup>[Chennai] Metropolitan Water-Supply and Sewerage Act, 1978] ;

<sup>6</sup>[(11) **Filth**. --- “Filth” means ----

(a) night-soil and other contents of latrines, cesspools and drains ;

(b) dung and refuse or useless or offensive material thrown out in consequence of any process of manufactured industry or trade ; and

(c) putrid and putrifying substance ;]

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1. Substituted by section 3(v) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2. Substituted by section 3(iv) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3. Substituted for the word “Madras” by Adaptation of Laws Order, 1969.

4. Inserted by section 85 of the Tamil Nadu Act 28 of 1978.

5. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.

6. Substituted by section 3(v) of the Tamil Nadu Act 28 of 1978.

<sup>1</sup>[(11-A) **food.**--- “food” includes every article (other than drugs and water) used by man for food or drink and all materials used or admixed in the composition or preparation of such article and shall also include flavouring or colouring matter, confectionery, spices and condiments ;]

(12) **hut.**--- “hut” means any building which is constructed principally of wood, mud, leaves, <sup>2</sup>[grass, thatch or metallic sheets] and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purpose of this Act ;

<sup>3</sup>[**Indian Christian.**--- [\* \* \* ]

<sup>4</sup>[(13) **latrine.**--- “latrine” means a place set apart for defecating or urinating or both and includes a closet of the dry or water-carriage type and urinal ;

(13-A) **local authority.**--- “local authority” includes a cantonment authority].

<sup>5</sup>[(13-AA) “metropolitan area” means the area comprised within the limits of the city of <sup>6</sup>[Chennai], specified by the Governor by Public notification under clause (c) of Article 243-P of the Constitution ;]

<sup>7</sup>[(13-B) **milk.**--- “milk” means the milk of a cow, buffalo, goat, ass or other animal and includes cream, skimmed milk, separated milk and condensed, sterilized or desiccated milk, or any other product of milk ;]

<sup>5</sup>[(13-C) “municipal area” means the territorial area of the Municipal Corporation of <sup>6</sup>[Chennai] as is notified by the Governor under clause (d) of Article 243-P of the Constitution ;]

(14) **municipal office.** --- “municipal office” means the principal office of the corporation ;

<sup>8</sup>[(14-A) **nuisance.** --- “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity, or persons who may have occasion to use any public right ;

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1. Inserted by section 3 (vii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words “grass or thatch” by section 3 (vii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Omitted by section 3 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  4. Substituted by section 3 (viii) of the Chennai City Municipal (Amendment) Act 1936 (Tamil Nadu Act X of 1936).
  5. Inserted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  6. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.
  7. Substituted by section 3 (viii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  8. Substituted by section 3 (ix), *ibid.*

(15) **occupier.** --- includes ---

(a) 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 or damages on account of the occupation of such land, building or part; and

(b) a rent-free occupant ;]

<sup>1</sup>[(16) **ordinary vacancy, ordinary election.** --- “ordinary vacancy” means a vacancy occurring by efflux of time and “ordinary election” means an election held on the occurrence of an ordinary vacancy ;]

(17) **owner.**--- “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 or receiver for another person or for any religious or charitable purpose the rent or profits of the property in connection with which the word is used ;

(b) the person for the time being in charge of the animal or vehicle in connection with which the word is used ;

(18) **prescribed.**---“prescribed” means prescribed by the <sup>2</sup>[State Government] by rules under this Act ;

(19) **private street.**---“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 ;

(20) **public street.**---“public street” means any street, road, square, court, alley passage or riding-path <sup>3</sup>[over which the public have a right of way, whether a thoroughfare or not] and includes ---

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

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

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1. Substituted by section (3) (xi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. 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. Substituted for the word “whether a throughfare or not over which the public have a right of way” by section 3 (xii) if the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to <sup>1</sup>[the Government];

<sup>2</sup>[(20A) **public water-courses, etc.**--- “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 ;]

(21) **railway.**---“railway” includes a tramway ;

(22) **reconstruction.**---“reconstruction” of a building includes ---

(a) the re-erection, wholly or partially, of a building after more than one-half of its cubical content 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 reconversion 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 ;

(23) **residence or reside.**--- A person is deemed to have his “residence” or to “reside” in any house <sup>3</sup>[or hut] 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 <sup>3</sup>[or hut] merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to <sup>4</sup>[return to such house or hut] at any time and has not abandoned his intention of returning ;

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1. Substituted for the word “Crown” by the Adaptation Order of 1950.

2. Inserted by section 3(xiii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Inserted by section 3(xiv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. Substituted for the words “return thereto” by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(24) **rubbish.**--- “rubbish” means dust, ashes, broken bricks, mortar, broken glass and refuse on any kind which is not, “filth” ;

(25) **salary.** --- “salary” means pay and acting pay or payment by way of commission, and includes exchange compensation allowance, but not allowances for house-rent, carriage hire, or traveling expenses;

<sup>1</sup>[(25-A) **scavenger.** --- “scavenger” means a person employed in collecting or removing filth, in cleansing drains, latrines or slaughter-houses or in driving carts used for the removal of filth ;]

<sup>2</sup>[(25-B) **Scheduled Castes.** --- “Scheduled Castes” shall have the same meaning as in the Constitution] ;

<sup>3</sup>[(25-C) **Scheduled Tribes.** --- “Scheduled Tribes” shall have the same meaning as in the Constitution ;]

<sup>4</sup>[(25-D) “State Election Commission” means the State Election Commission referred to in section 6-I ;

(25-E) “State Election Commissioner” means the State Election Commissioner referred to in section 6-I ;]

(26) **street-alignment.** --- “street alignment” means a line dividing the land comprised in and forming a part of a street from the adjoining land ;

<sup>5</sup>[(26-A) **water-course.** --- “water-course” includes any river, stream or channel whether natural or artificial ;]

<sup>4</sup>[(26-B) “wards committee” means the wards committee referred to in <sup>6</sup>[section 5-A] ;]

(27) **year.**--- “year” means the financial year.

<sup>7</sup>[(28) x x x ]

- 
1. Inserted by Tamil Nadu Act X of 1936.
  2. Substituted by section 3(x) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Inserted by Tamil Nadu Act 22 of 1971.
  4. Inserted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  5. Inserted by section 3(xvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Substituted by Tamil Nadu Act 22 of 1996.
  7. Inserted by Tamil Nadu Act 26 of 1994 and omitted by Tamil Nadu Act 22 of 1996.

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**PART – II**

***Constitution and Government  
of the Corporation***

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## CHAPTER – II.

### The Municipal Authorities Composition of the Corporation

<sup>1</sup>**4. Enumeration of authorities.** --- (1) There shall be a corporation charged with the Municipal Government of the City of <sup>2</sup>[Chennai], to be known as the Municipal Corporation of <sup>2</sup>[Chennai].

(2) The Corporation shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by the said name sue and be sued.

(3) For the efficient performance of the functions of the corporation, there shall be the following municipal authorities of the corporation, namely :--

(a) a council ;

<sup>3</sup>[(b) the standing committees of the council ; <sup>4</sup>[ \* \* \* ]

<sup>5</sup>[(bb) the wards committee ; and]

(c) a commissioner.]

<sup>6</sup>**5. Constitution of the council.**--- (1) The council shall consist of one hundred and fifty-five councillors elected in the manner laid down in this Act.

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1. Substituted by Tamil Nadu Act 56 of 1961.

2. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.

3. Substituted by Tamil Nadu Act 22 of 1971.

4. Omitted the word “and’ by the Tamil Nadu Act 26 of 1994.

5. Inserted by *ibid*.

6. Substituted by Tamil Nadu Act 26 of 1994.

(2) The following persons shall also be represented in the council, namely :--

<sup>1</sup>[(a) [ \* \* \* ]

(b) the members of the House of the people representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation ;

<sup>2</sup>[(c) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the Corporation. “]

<sup>3</sup>[(d) [ \* \* \* ]

<sup>4</sup>[(2-A) 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 council.”]

(3) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of the 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 the council as the population of the Scheduled Castes in that city or of the Scheduled Tribes in that city bears to the total population of the city :

Provided that for the first election to the council to be held immediately after the commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994, the provisional population figures of the city as published in relation to 1991 census shall be deemed to be the population of the city as ascertained in that census.

(4) 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.

<sup>5</sup>[(4-A) xxx ]

<sup>5</sup>[4-B) xxx ]

(5) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than one-third <sup>6</sup>[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 council].

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1. Omitted by Tamil Nadu Act 3 of 1997.

2. Substituted by Tamil Nadu Act 22 of 1996.

3. Omitted by Tamil Nadu Act 22 of 1996.

4. Inserted by Tamil Nadu Act 22 of 1996.

5. Inserted by Tamil Nadu Act 34 of 1995 and Omitted by Tamil Nadu Act 17 of 1996.

6. Substituted by Tamil Nadu Act 17 of 1996.

(6) The reservation of seats under sub-section (3) and (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.

<sup>1</sup>**[5-A. Constitution of wards committees.---**(1) There shall be constituted by the State Government, by notification, such number of wards committees comprising territorial area of such number of wards as may be specified in the notification within the territorial area of the corporation.

(2) Each wards committee shall consist of ---

(a) all the councilors of the corporation representing the wards within the territorial area of the wards committee.

<sup>2</sup>[(b) xxx ]

(3) The State Government may, after consultation with the corporation from time to time, by notification, alter the name, increase or diminish the area of any wards committee specified in the notification issued under sub-section (1)".]

<sup>3</sup>**[5-B. Duration of corporation.---**(1) The corporation, unless sooner dissolved under section 44-A, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer.

(2) An election to constitute the corporation 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 Corporation would have continued, is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Corporation for such period.

6. <sup>4</sup>[ \* \* \* ]

<sup>5</sup>**[6-A. Constitution of standing committees.---**(1) There shall be constituted by the State Government, by notification, such number of standing committees <sup>6</sup>[not exceeding six] as may be specified in the notification for the purpose of exercising such powers, discharging such duties or performing such functions as the council may delegate to them.

(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.]

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1. Substituted by Tamil Nadu Act 22 of 1996.

2. Omitted by Tamil Nadu Act 3 of 1997.

3. Inserted by Tamil Nadu Act 26 of 1994.

4. Omitted by Tamil Nadu Act 7 of 1973.

5. Substituted by Tamil Nadu Act 22 of 1996.

6. Substituted for "not exceeding three" by Tamil Nadu Act 3 of 1997.

<sup>1</sup>[6-B to 6-F. [ \* \* \* ].

## THE WARDS COMMITTEES

<sup>2</sup>[6-G. Election and term of office of chairman of wards committee. ---

(1) The chairman of the wards committee shall be elected by the councillors of the wards committee from among themselves after each ordinary election to the council in such manner as may be prescribed.

(2) The chairman of the wards committee shall hold office till the duration of the wards committee.

(3) Any casual vacancy in the Office of the chairman of the wards committee shall be filled up in such manner as may be prescribed and the chairman elected in any such casual vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold the office, if the vacancy had not occurred".]

**6-H. Powers and functions of wards committee. ---** <sup>3</sup>[(1) Subject to the provisions of this Act and the rules made thereunder, the council may delegate such powers and duties as it deems fit to a wards committee.]

<sup>4</sup>[(2) and (3) \* \* \*]

(4) The procedure to be adopted by the wards committee for transaction of its business shall be such as may be prescribed.

(5) The duration of the wards committee shall be co-extensive with the duration of the corporation.

## THE STATE ELECTION COMMISSION

<sup>5</sup>[6-I. Elections to Corporation. --- (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the corporation shall be vested in the State Election Commission consisting of a 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 State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by sub-section (1).]

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1. Section 6-B to 6-F were omitted by Tamil Nadu Act 22 of 1996.

2. Substituted by Tamil Nadu Act 22 of 1996.

3. Substituted by Tamil Nadu Act 22 of 1996.

4. Omitted by Tamil Nadu Act 22 of 1996.

5. Inserted by Tamil Nadu Act 26 of 1994.

7. <sup>1</sup>[**Commissioner and other officers.** --- <sup>2</sup>[(1) There shall be a commissioner who shall be appointed by the State Government.

(2) The State Government may appoint such other officers to assist the commissioner as may be necessary.]

(3) <sup>3</sup>[The commissioner and other officers appointed by the State Government] shall be wholetime officers of the corporation and shall not undertake any work unconnected with their offices without the sanction of the council and the State Government.

(4) The State Government may recover from the corporation the whole of the salary and allowances paid to <sup>4</sup>[the commissioner and other officers appointed by them] and such contribution towards their leave allowances, pension and provident fund as the State Government may, by general or special order, determine.

(5) Subject to the provisions of section 8, the State Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the <sup>1</sup>[commissioner and other officers appointed by them].

## THE SEVERAL AUTHORITIES.

### THE COMMISSIONER.

<sup>5</sup>[**8. Withdrawal of commissioner from office.**---The State Government may, at any time, withdraw the commissioner from office and shall do so if such withdrawal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by the votes of such number of councilors as shall constitute not less than three-fourths of the sanctioned strength of the council.]

<sup>6</sup>[**9. Powers of commissioner and <sup>7</sup>[other officers].**--- <sup>8</sup>[(1) Subject, whenever it is hereinafter expressly directed, to the sanction of the council or the standing committee, as the case may be, and subject to all other restrictions, limitations and conditions as may be, prescribed or as are hereinafter imposed by or under this Act, the executive power for the purpose of carrying out the

- 
1. Substituted by Section 2(1) of the Tamil Nadu Act 26 of 1992.
  2. Substituted by Section 2(2) of the Tamil Nadu Act 26 of 1992.
  3. Substituted for “the Commissioner, the Assistant Commissioners and the personal assistant to the Commissioner” by Section 2(3) of the Tamil Nadu Act 26 of 1992.
  4. Substituted for “the Commissioner, the Assistant Commissioners and the personal assistant to the Commissioner appointed under sub-section (2)” by Section 2(4) of the Tamil Nadu Act 26 of 1992.
  5. Substituted by Tamil Nadu Act 15 of 1965.
  6. Substituted by section 6 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  7. Substituted for “Assistant Commissioners” by Section 3(1) of the Tamil Nadu Act 26 of 1992.
  8. Substituted by Tamil Nadu Act 22 of 1971.

provisions of this Act shall be vested in the commissioner who shall exercise all the powers, discharge all the duties and perform all the functions specifically conferred or imposed on or entrusted to him, under this Act.]

(2) Subject to the provisions of sub-section (1), the commissioner and <sup>1</sup>[the other officers appointed by the State Government] shall also perform all the duties and exercise all the powers, specifically imposed or conferred on him or them, as the case may be, under this Act.

(3) Notwithstanding anything contained in sub-sections (1) and (2), <sup>2</sup>[where the office of any of the officers appointed under sub-section(2) of section 7 is vacant], the commissioner may, until the vacancy is filled up ---

(a) himself exercise the powers conferred and discharge the duties imposed by or under this Act <sup>3</sup>[on the said officer, or].

(b) authorize <sup>3</sup>[on the said officer, or] to exercise the said powers and discharge the said duties of <sup>4</sup>[any other officer appointed under sub-section (2) of section 7.]

**10. Custody of records.**--- The commissioner shall be responsible for the custody of all the records of the corporation including all papers and documents connected with the proceedings of the council, <sup>5</sup>[the standing committee and other committees], and shall arrange for the performance of such duties relating to the proceedings of the said bodies as they may respectively impose.

**11. Extraordinary powers of commissioner.** --- The commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other municipal authorities 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 the work or of doing the act shall be paid from the municipal fund :

Provided that he shall report forthwith the action taken under this section and the reasons therefor to such other authority.

<sup>6</sup>[12 \* \* \* ]

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1. Substituted for “the Assistant Commissioners” by Section 3 (2) of the Tamil Nadu Act 26 of 1992.
  2. Substituted for “the Commissioner, the Assistant Commissioners and the personal assistant to the Commissioner” by Section 2(3) of the Tamil Nadu Act 26 of 1992.
  3. Substituted for “on the Assistant Commissioner, or” by Section 3(3) (b) of the Tamil Nadu Act 26 of 1992.
  4. Substituted for “another Assistant Commissioners” by Section 3(3) (c) of the Tamil Nadu Act 26 of 1992.
  5. Substituted for “all the committees constituted under this Act”, by the Tamil Nadu Act 22 of 1971.
  6. Omitted by Tamil Nadu Act 54 of 1961.



<sup>1</sup>[13. **Salary of commissioner and other officers.** --- The commissioner and other officers appointed by the State Government shall be paid out of the municipal fund such salary and allowances as may, from time to time, be fixed by the State Government.]

<sup>2</sup>[14. \* \* \* ]

<sup>3</sup>[15. **Service regulations of commissioner, <sup>4</sup>[and other officers].** --- If the commissioner <sup>5</sup>[or other officer appointed under section 7] is a civil or military officer in the service of the Government, the corporation shall make such contribution towards his leave allowances, pension and provident funds as may be required by the conditions of his service under the Government to be paid by him or on his behalf.

**16. Delegation of commissioner's ordinary powers.** --- <sup>6</sup>[The commissioner may delegate <sup>7</sup>[to any other officer appointed under sub-section (2) of section 7] or the holder of any municipal office] any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely : --- Section 25 (3), <sup>8</sup>[55-A], <sup>9</sup>[56-A], 57, <sup>10</sup>[. . . ], <sup>11</sup>[. . . ], 74, 75, 154, <sup>12</sup>[. . . ], 183, 195, 217, 218, 256, 265, 271, 275, 282, 283, 284, 287, 288, 289, <sup>7</sup>[. . . ], 292, 293, 299, 306, 308, 309, 319, 323, 324, 335, 380, <sup>7</sup>[. . . ], 398, <sup>13</sup>[. . . ], Schedule V, rules 13 and 14 :

Provided that—

(a) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made ;

- 
1. Substituted by the Tamil Nadu Act 26 of 1992.
  2. Omitted the words “section 14 relating to grant of leave to commissioner, assistant commissioner or personal assistant to the commissioner” by Tamil Nadu Act 15 of 1965.
  3. Substituted by Section 10 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  4. Substituted for “Assistant Commissioners or personal assistant to the commissioner” by Section 5 of the Tamil Nadu Act 26 of 1992.
  5. Substituted for “or an Assistant Commissioners or personal assistant to the commissioner” by Section 5 of the Tamil Nadu Act 26 of 1992.
  6. Substituted for the words “ the commissioner may delegate to the personal assistant to the commissioner or holder of any municipal officer” by section 11(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  7. Substituted for “the personal assistant to the commissioner” by Section 6 of the Tamil Nadu Act 26 of 1992.
  8. Substituted for the figure “55” by section 8(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936)
  9. Inserted by section 1 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936)
  10. Omitted the figures “58” “290” and “391” by section 8 (iii) *ibid*.
  11. Omitted the figures, brackets and word “72(3) and (4)” by the Adaptation Order of 1937.
  12. Omitted the words and figures”169(2), 178(2) and (3), 179 and 180” by section 85 of Tamil Nadu Act 28 of 1978.
  13. Omitted the words and figures “Schedule IV, rule 14” by section 11(ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961)

<sup>1</sup>[(b) [\* \* \*]]

<sup>1</sup>[(c) [\* \* \*]]

(d) the commissioner shall not delegate his power under section 80 to make on behalf of the corporation any contract involving an expenditure exceeding <sup>2</sup>[five thousand rupees].

(e) when the commissioner delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of any other municipal authority, the commissioner shall send a copy of the order of delegation to such authority.

<sup>3</sup>[16-A. \* \* \*]

**17. Reservation of control in respect of powers delegated.**--- The exercise <sup>4</sup>[by an officer appointed under sub-section (2) of section 7] or other municipal officer], of any powers, duties or functions delegated to him under section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the commissioner and shall also be subject to his control and revision.

<sup>5</sup>[**18. Delegation of commissioner's extraordinary powers.**---The commissioner may, on his own responsibility and by an order in writing, authorize <sup>6</sup>[any other officer appointed under sub-section 2 of section 7] or any class I-A or class I-B officer or any person in temporary charge of the duties of any class I-A or class I -B officer to exercise the extraordinary powers conferred on him by section 11.]

**19 and 20.** <sup>7</sup>[omitted]

<sup>8</sup>[**21. Construction of references to standing committee.**--- Wherever in this Act the expression "standing committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular standing committee to which the power or duty in connection with which the expression is used, is assigned by this Act or by regulations made by the council; and all references to the standing committee in any other law shall be construed as references to the particular standing committee to which the power or duty conferred or imposed by such law is assigned by this Act or by regulation made by the council.]

**22. Delegation of powers of commissioner by standing committee.**---

(1) In any case in which it is provided by this Act or any other law that the

- 
1. Clauses (b) and (c) of the proviso were omitted by section 11 (iii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  2. Substituted for the words "two thousand rupees" by section 11 (iv) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Omitted by section 8(2) of the Tamil Nadu Act 26 of 1992.
  4. Substituted for "by an Assistant Commissioners or personal assistant to commissioner" by Section 8 (1) of the Tamil Nadu Act 26 of 1992.
  5. Substituted by section 14 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  6. Substituted for "an Assistant Commissioners" by Section 9 of the Tamil Nadu Act 26 of 1992.
  7. Omitted by Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  8. Substituted by the Tamil Nadu Act 22 of 1971.

commissioner may take action subject to the approval, sanction, consent or concurrence of <sup>1</sup>[a standing committee], <sup>2</sup>[such standing committee] may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence, subject to such conditions (if any), as may be specified in such resolution.

(2) Whenever the commissioner, in pursuance of such resolution takes any action in anticipation of the approval, sanction, consent or concurrence of <sup>1</sup>[a standing committee], he shall forthwith inform <sup>2</sup>[such standing committee] of the fact.

**23. Function of council.** --- (1) Subject to the provisions of this Act, the Municipal Government of the city 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 <sup>3</sup>[standing committee] or the commissioner.

(2) If any doubt arises as to the municipal authority to which any particular function pertains, the <sup>4</sup>[Mayor] shall refer the matter to the <sup>5</sup>[State Government] whose decision shall be final.

(3) Without prejudice to the generality of sub-section (1), it shall be the duty of the council to consider all periodical statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

**24. Obligations laid on remaining municipal authorities to carry out resolutions <sup>6</sup>[or orders] of council.** --- The <sup>3</sup>[standing committee] and the commissioner shall be bound to give effect to every resolution <sup>6</sup>[or orders] of the council unless such resolution <sup>6</sup>[or orders] is cancelled in whole or in part by the <sup>7</sup>[State] Government :

<sup>8</sup>[Provided that, if, in the opinion of the commissioner, any resolution or order of the council or a committee constituted under this Act contravenes any provision of this or any other Act or of any rule, notification, regulation or by-law made or issued under this or any other Act or of any order passed by the State Government, or if there would be any

- 
1. Substituted for “the Central committee, the circle committee, the corporation accounts committee or the contracts committee”, by the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  2. Substituted for the “the committee” by the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Substituted for “a committee constituted under this Act”, by Tamil Nadu Act 22 of 1971.
  4. Substituted for “President” by section 2 of the Chennai City Municipal (Amendment) Act, 1933 (Tamil Nadu Act III 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. Inserted by the Tamil Nadu Act 22 of 1971.
  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. Substituted for the original proviso by the Tamil Nadu Act 22 of 1971.

miscarriage of justice in the implementation of such resolution or order, he shall, within a period of thirty days from the date of passing of the resolution or order or such further period not exceeding fifteen days, as the State Government may, by general or special order, specify from time to time, refer the matter to the State Government for order, and inform the council or the committee, as the case may be, of the action taken by him at its next meeting and until the order so the State Government on such reference are received, the commissioner shall not be bound to give effect to the resolution or order.]

**25. Duties and powers of individual councillor.** --- (1) Any Councillor <sup>1</sup>[\* \* \*] may call the attention of the proper 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 he considers desirable.

(2) Every councillor <sup>1</sup>[\* \* \*] shall have the right to interpellate the <sup>2</sup>[Mayor] on matters connected with the municipal administration subject to such regulations as may be framed by the council.

(3) Every councillor <sup>1</sup>[\* \* \*] shall have access during office hours to the records of the corporation after giving due notice to the commissioner, provided that the commissioner may for reasons given in writing forbid such access. The councillor <sup>1</sup>[\* \* \*] may appeal against such order to the <sup>2</sup>[Mayor] whose decision shall be final.

<sup>3</sup>[**25-A. Mayor, Deputy Mayor or councillor not to receive remuneration.**--- Neither the Mayor nor the Deputy Mayor, nor any councillor <sup>1</sup>[\* \* \*] shall receive or be paid, from the funds, at the disposal of or under the control of the corporation any salary or other remuneration for services rendered by him in any capacity whatsoever :

<sup>4</sup>[Provided that nothing in this section shall apply to the payment of any conveyance allowance or traveling allowance to the Mayor or the Deputy Mayor or any councillor by the corporation at such rate as may be determined by rules made by the State Government in this behalf.]

<sup>5</sup>[**25-B. Mayor, Deputy Mayor or councillor to obtain permission to undertake trip to foreign country.**-- No person holding the office of Mayor, Deputy Mayor 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.

- 
1. Omitted the words "or alderman" by section 2 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  2. Substituted for the word "President" by section 2 of the Chennai City Municipal (Amendment) Act, 1933 (Tamil Nadu Act III of 1933).
  3. Inserted by section 13 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Added by section 19 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  5. Inserted by the Tamil Nadu Act 31 of 2002.

**26. Requisition by council or a committee for commissioner's records.** ---(1) The council <sup>1</sup>[or a standing committee] may at any time require the commissioner ---

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as commissioner ;

(b) to furnish any return, plan, estimate, statement, account or statistics connected with the municipal administration ;

(c) to furnish a report by himself or to obtain from any head of department subordinate to him and furnish, with his own remarks thereon, a report upon any subject, connected with the municipal administration.

(2) The commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interest of the corporation or of the public, in which case, he shall make a declaration in writing to that effect and shall, if required by the council or <sup>2</sup>[the standing committee], as the case may be, refer the question to the <sup>3</sup>[Mayor] whose decision shall be final.

**27. Council's power to call for records of committees.**--- The Council may at any time call for an extract from <sup>4</sup>[the proceedings of a standing committee or a wards committee] or of any committee or for any return, statement, account or report connected with any matter with which such committee is empowered to deal; and every such requisition shall be <sup>4</sup>[complied with by the standing committee or the ward committee] or other committee, as the case may be.

<sup>5</sup>[**27-A. Appointment of joint committee.**--- (1) The council may, and if so required by the <sup>6</sup>[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 :

- 
1. Substituted for "or a committee constituted under this Act" by section 34 of and Schedule I to 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).
  2. Substituted by the Tamil Nadu Act 22 of 1971.
  3. Substituted for the word "President" by section 2 of the Chennai City Municipal (Amendment) Act, 1933 (Tamil Nadu Act III of 1933).
  4. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  5. Inserted by section 14 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. 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.

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 <sup>1</sup>[State] Government taken action under sub-section(1), they may issue such direction 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 <sup>1</sup>[State] Government whose decision shall be final.]

<sup>2</sup>[(8) The powers of the <sup>1</sup>[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.]

<sup>3</sup>[**27-B. Metropolitan Planning Committee.**---(1) There shall be constituted a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

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1. 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. Inserted by the Adaptation Order of 1937.

3. Inserted by Tamil Nadu Act 26 of 1994.

(2) The State Government may, by rules, provide for ---

(a) the composition of the Metropolitan Planning Committee ;

(b) the manner in which the seats in such Committee shall be filled ;

(c) the representation in such Committees of the Government of India and the State Government and of such organizations and institutions as may be deemed necessary for carrying out the functions assigned to such Committee ;

(d) the functions relating to planning and co-ordination for the Metropolitan area which any be assigned to such Committee ;

(e) the manner in which the Chairperson of such Committee shall be chosen.

(3) The Metropolitan Planning Committee shall, in preparing the draft development plan ---

(a) have regard to ---

(i) the plans prepared by the City Municipal Corporation of <sup>1</sup>[Chennai] for the city of <sup>1</sup>[Chennai] as a whole ;

(ii) the spatial plan prepared by the <sup>1</sup>[Chennai] Metropolitan Development Authority constituted under the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), for the city of <sup>1</sup>[Chennai];

(iii) matters of common interest pertaining to the city of <sup>1</sup>[Chennai] including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation ;

(iv) the overall objectives and priorities set by the Government of India and the State Government ;

(v) the extent and nature of investments likely to be made in the metropolitan area by agencies of the Government of India and of the State Government and other available resources whether financial or otherwise ;

(b) consult such institutions and organizations as the Governor may, by order specify.

(4) The Chairperson of the Metropolitan Planning Committee, shall forward the development plan, as recommended by the Committee, to the State Government;]

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1. Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

## PROVISIONS COMMON TO THE COUNCIL AND THE COMMITTEES

<sup>1</sup>[**28. Election of Mayor.** --- (1) (a) The Mayor shall be elected by the persons whose names appear in the voters list for the divisions from among themselves in accordance with such procedure as may be prescribed ;

(b) If at an ordinary or casual election, no Mayor is elected, a fresh election shall be held :

Provided that a person who stands for election as Mayor shall not be eligible to stand for election as a councilor :

Provided further that a person who stands for election as a councilor shall not be eligible to stand for election as a Mayor :

Provided also that no councilor shall be eligible to stand for election as Mayor.

(2) The election of the Mayor may be held ordinarily at the same time and in the same places as the ordinary elections of the councilors of the divisions are held.

(3) The term of office of the Mayor who is elected at an ordinary election shall, save as otherwise expressly provided in, be five years beginning at noon on the day on which the ordinary vacancy occurs.

(4) Any casual vacancy in the office of the Mayor shall be filled by a fresh election and a person elected as Mayor in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the State Election Commissioner otherwise directs, no casual vacancy in the office of the Mayor shall be filled within six months before the date on which the ordinary election of the Mayor under sub-section (1) is due.

(6) The Mayor shall be an ex-officio member of the council and shall have all the rights and privileges of an elected councilor of the council.]

<sup>1</sup>[**29. Election of Deputy Mayor.**--- (1) The Deputy Mayor shall be elected by the councilors from among themselves in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no Deputy Mayor is elected, a fresh election shall be held for electing a Deputy Mayor.

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1. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).



<sup>1</sup>[(3) The Deputy Mayor shall hold office for a period of five years from the date of his election and he shall continue as such Deputy Mayor, provided that in the meantime he does not ceases to be a councillor.]

(4) Any casual vacancy in the office of the Deputy Mayor shall be filled by a fresh election held in accordance with such procedure as may be prescribed and a person elected as Deputy Mayor if any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.]

<sup>2</sup>[**30. Mayor and Deputy Mayor ineligible for re-election.**--- An outgoing Mayor or Deputy Mayor shall not be eligible for re-election as Mayor or Deputy Mayor, as the case may be, during the period upto the next ordinary election and in case of extension of term of office of the councillors by any law for the time being in force, during the remainder of the period of such extension].

<sup>3</sup>[**31. Rules and regulations for proceedings of council and committees.**--- The council <sup>4</sup>[and the standing committee] shall observe the procedure laid down in Schedule II and may make supplementary regulations, not inconsistent therewith, or with other provisions of this Act or any rules made by the <sup>5</sup>[State], Government for the conduct of their respective proceedings and also for the maintenance of order at their meetings.]

**Explanation.**--- Any supplementary regulation made under this section shall, if it is inconsistent with the provisions of any rule made subsequently, become void to the extent of such inconsistency.]

**32. Presidency of council and committees.**--- <sup>6</sup>[(1) Every meeting of the council shall be presided over by the Mayor in his absence by the Deputy Mayor and in the absence of both the Mayor and the Deputy Mayor, <sup>7</sup>[the councillors and the persons referred to in <sup>8</sup>[clauses (b) and (c)] of sub-section (2) of section 5 shall elect one from among the councillors to preside for the occasion.]

(2) Every meeting of <sup>7</sup>[a standing committee or a wards committee] shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion.]

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1. Substituted by the Tamil Nadu Act 3 of 1997.
  2. Substituted by the Tamil Nadu Act 2 of 1975.
  3. Substituted for original section 31 by section 18 of Tamil Nadu Act X of 1936.
  4. Substituted by the Tamil Nadu Act 22 of 1971.
  5. 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.
  6. Substituted for original sub-sections (1) and (2) by section 19(i) of the Chennai City Municipal (Amendment) Act 1936 (Tamil Nadu Act X of 1936).
  7. Substituted by the Tamil Nadu Act 26 of 1994.
  8. Substituted by the Tamil Nadu 22 of 1996.

(3) The <sup>1</sup>[Mayor], <sup>2</sup>[the deputy Mayor] or the chairman, as the case may be shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the <sup>1</sup>[Mayor], <sup>2</sup>[the deputy Mayor] or the chairman thereon shall, save as is otherwise expressly provided in this Act, be final.

(4) The <sup>2</sup>[Deputy Mayor] <sup>3</sup>[or Councillor], presiding at meeting at the council and the member presiding at a meeting of <sup>4</sup>[a standing committee] shall for that meeting <sup>5</sup>[and during the period that he presides over it] have all the powers and be subject to all the obligations of the <sup>1</sup>[Mayor] or chairman, as the case may be.

<sup>6</sup>(5) The Mayor, the Deputy Mayor or the councillor presiding at a meeting of the council may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting and councillor so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting. If such councillor refuses to withdraw, the Mayor, the Deputy Mayor or the councillor presiding at the meeting may order his removal by force.

The councillor so directed to be absent shall not be deemed to have failed to attend the meeting of the council for the purposes of clause (i) of sub-section (1) of section 53.]

<sup>4</sup>**33. Commissioner when to attend meetings.**--- (1) The commissioner shall have the right to attend the meetings of the council and of <sup>7</sup>[any standing committee, wards committee] or other committee constituted under this Act and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) The commissioner shall attend any meeting of the council or <sup>7</sup>[of a standing committee, wards committee or] any other committee constituted under this Act, if required to do so by the Mayor or the chairman of the committee as the case may be.]

**34. Councillors to abstain from taking part in discussion and voting on question in which they are pecuniarily interested.**--- (1) <sup>7</sup>[No councillor or persons referred to in <sup>8</sup>[clauses (b) and (c) ] of sub-section (2) of section 5]

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1. Substituted for the word "President" by section 2 of Chennai city Municipal (Amendment) Act, 1933 (Tamil Nadu Act III of 1933)
  2. Inserted by section 19(ii) of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936)
  3. Substituted for the words "councillor or alderman" by section 5 of Chennai city Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958)
  4. Substituted by the Tamil Nadu Act 22 of 1971.
  5. Inserted by the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936)
  6. Added by section 23 of the Chennai city Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961)
  7. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  8. Substituted for "clauses (b), (c) and (d)" by Tamil Nadu Act 22 of 1996.

<sup>1</sup>[\* \* \*] shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the council or of any standing committee <sup>2</sup>[or wards committee] 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 <sup>3</sup>[Mayor] or chairman may prohibit any <sup>4</sup>[councilor or persons referred to in <sup>5</sup>[clauses (b) and (c) of sub-section (2) of section 5] <sup>1</sup>[\* \* \* ] from voting on or taking part in the discussion of any matter in which the <sup>2</sup>[councilor or persons referred to in <sup>5</sup>[clause (b) and (c)] of sub-section (2) of section 5] is believed to have such interest, or he may require the <sup>4</sup>[councilor or persons referred to in <sup>5</sup>[clauses (b) and (c)] of sub-section (2) of section 5] <sup>1</sup>[\* \* \* ] to absent himself during the discussion.

(3) <sup>4</sup>[Such councilor or persons referred to in <sup>5</sup>[clauses (b) and (c)] of sub-section (2) of section 5] <sup>1</sup>[\* \* \* ] may challenge the decision of the <sup>3</sup>[Mayor] or chairman who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the <sup>3</sup>[Mayor] or chairman is <sup>6</sup>[alleged] by any <sup>4</sup>[councilor or persons referred to in <sup>5</sup>[clauses (b) and (c)] of sub-section (2) of section 5] <sup>1</sup>[\* \* \* ], present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such <sup>4</sup>[councilor or persons referred to in <sup>5</sup>[clauses (b) and (c)] of sub-section (2) of section 5] <sup>1</sup>[\* \* \* ] if carried, be required to absent himself from the meeting during the discussion.

<sup>5</sup>[(5) The <sup>3</sup>[councilor concerned or persons referred to in <sup>5</sup>[clauses (b) and (c)] of sub-section (2) of section 5] shall not be entitled to vote on the question referred to in sub-section (3) and the Mayor, or chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

**Explanation.---** In this section 'Mayor' includes a Deputy Mayor, <sup>7</sup>[or councilor] presiding for the occasion and "chairman" includes a member presiding for the occasion at a meeting of a committee.]

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1. Omitted for the word "or alderman" by section 2(2) of the Chennai city Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  2. Inserted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  3. Substituted for the word "President" by section 2 of Chennai city Municipal (Amendment) Act 1933 (Tamil Nadu Act III of 1933).
  4. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1958 (Tamil Nadu XXIV of 1958).
  5. Substituted for the word "clauses (b), (c) and (d)" by Tamil Nadu Act 22 of 1996.
  6. Substituted for the word "believed" by section 20(ii) of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  7. Substituted for the word "Councillor or alderman" by section 7 of the Chennai city Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

<sup>1</sup>**[35. Resignations.---** The Mayor may resign his office by giving notice in writing to the council ; and the Deputy Mayor, or any councillor other than the Mayor or any member or chairman of a standing committee or other committee <sup>2</sup>[or any member or chairman of a wards committee] may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect, in the case of the Mayor from the date on which it is placed before the council, and in any other case, from the date on which it is received by the Mayor.]

**36. Saving of Validity of proceedings.---** (1) No act done, or proceeding taken under this Act shall be questioned merely on the ground ---

(a) of any vacancy or defect in the constitution of the council, or of any <sup>3</sup>[standing committee or wards committee] or other committee; or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the council, or of a <sup>3</sup>[standing committee or wards committee] or other committee the minutes of the proceedings at which have been signed as laid down in Schedule II <sup>4</sup>[or the rules made under this Act] shall be deemed to have been duly convened and to be free from all defect and irregularity.

#### THE <sup>5</sup>[MAYOR]

<sup>6</sup>**[37. Mayor may obtain report.---** The Mayor may obtain report from the Commissioner on any matter connected with the administration of the Corporation.]

<sup>7</sup>[37-A. Omitted]

<sup>1</sup>**[38. Mayor to be member of all committees.---** (1) The Mayor shall be a ex-officio member of <sup>2</sup>[every standing committee, wards committee] and of every other committee constituted under the Act except the Taxation Appeals Committee, but shall not be eligible to be elected as the chairman of any standing committee <sup>2</sup>[or wards committee].

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1. Substituted by Tamil Nadu Act 22 of 1971

2. Inserted by Tamil Nadu Act 26 of 1994

3. Substituted by Tamil Nadu Act 26 of 1994

4. Inserted by Tamil Nadu Act 56 of 1961

5. Substituted for the word "President" by Tamil Nadu Act III of 1933.

6. Substituted by Tamil Nadu Act 10 of 2002

7. Omitted by Tamil Nadu Act 10 of 2002.

(2) If the Mayor is at the time of his election the chairman or an elected member of <sup>1</sup>[a standing committee or wards committee], he shall cease to hold office as such chairman or member.

(3) If a vacancy occurs in the office of chairman of <sup>1</sup>[any standing committee or wards committee], the Mayor shall convene a meeting of that committee for the election of another chairman and the chairman elected at such meeting shall be entitled to hold office as such only so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.]

## <sup>2</sup>[THE DEPUTY MAYOR]

<sup>2</sup>[**38-A. Functions of Deputy Mayor.** --- (1) When the office of Mayor is vacant, his functions shall devolve on the Deputy Mayor until a new Mayor is elected.

(2) If the Mayor has been continuously absent from the city for more than fifteen days or is incapacitated his functions shall devolve on the Deputy Mayor until the Mayor returns to the city or recovers from his incapacity, as the case may be.

(3) The Mayor may, by an order in writing, delegate any of his functions to the Deputy Mayor.]

## ADMINISTRATION REPORT

### **39. Submission of administration report to <sup>3</sup>[State Government].---**

(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 <sup>3</sup>[State Government], the corporation shall submit to the <sup>3</sup>[State Government], a detailed report of the administration during the preceding year in such form as the <sup>3</sup>[State Government] may direct.

(2) The Commissioner shall prepare such report and the council shall consider the report and forward the same to the <sup>3</sup>[State Government] with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the municipal office.

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1. Substituted by Tamil Nadu Act 26 of 1994

2. Inserted by Tamil Nadu Act X of 1936

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

## POWERS OF THE <sup>1</sup>[STATE GOVERNMENT]

**40. <sup>1</sup>[State Government's] power to call for record. ---** The <sup>1</sup>[State Government] may, at any time, require the council or the commissioner ---

- (a) to produce any record, correspondence, plan or other document ;
- (b) to furnish any return, plan, estimate, statement, account or statistics ;
- (c) to furnish or obtain any report.

**41. <sup>1</sup>[State Government's] power to cause inspection to be made. ---** The <sup>1</sup>[State Government] may depute any officer to inspect or examine any municipal department, office, service, work or thing and to report thereon and any officer so deputed may for this purposes of such inspection or examination, exercise all the powers conferred by section 40.

**42. <sup>1</sup>[State Government's] power to direct the taking of action. ---** If, on receipt of any information or report obtained under section 40 or 41, the <sup>1</sup>[State Government] <sup>2</sup>[are of opinion] ---

(a) that any duty imposed on any municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty,

the <sup>1</sup>[State Government] may, by an order, direct the council or the commissioner within a period to be specified in the order to make <sup>3</sup>[arrangements to their satisfaction] for the proper performance of the duty, or to make financial <sup>4</sup>[provision to their satisfaction] for the performance of the duty, as the case may be :

Provided that, unless in the opinion of the <sup>1</sup>[State Government] the immediate execution of such order is necessary, the <sup>1</sup>[State Government] shall, before making an order under this Section, give the council an opportunity of showing cause why such order should not be made.

**43. <sup>1</sup>[State Government's] power to appoint a person to take action in default at the expense of corporation. ---** (1) If, within the period fixed by an order issued under section 42, any action directed under that section has not been duly taken, the <sup>1</sup>[State Government] may by order ---

- (a) appoint some person to take the action so directed,
- (b) fix the remuneration to be paid to him, and

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1. Substituted for the word "Provincial Government" by the Adaptation Order of 1950.

2. Substituted for the words "is of opinion" by the Schedule to the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Substituted for the words "arrangements to his satisfaction" by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. Substituted for the word "Provision to his satisfaction" by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the municipal fund, and if necessary, that any one or more of the taxes authorized by part III of this Act shall be levied or increased, but not so as to exceed any maximum prescribed by that part.

(2) For the purpose of taking the action directed as aforesaid, the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any municipal authority by or under this Act and specified in this behalf in the order issued under sub-section (1), and shall be entitled to, protection under this Act as if he were a municipal authority.

(3) The <sup>1</sup>[State Government] may, in addition to or instead of directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may <sup>2</sup>[in their opinion] be required for giving effect <sup>3</sup>[to their orders] be borrowed by debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of re-payment and otherwise as may be specified in the notification.

(4) The provisions of sections 142 to 153 shall, as far as may be apply to any loan raised in pursuance of this section.

**<sup>4</sup>[43-A. State Government's power to remove Mayor, Deputy Mayor or councillor convicted under section 358-A. ---** (1) Notwithstanding anything contained in this Act, the State Government may, by notification, remove any Mayor, Deputy Mayor or councillor who is convicted twice of an offence punishable under section 358-A.

(2) The State Government shall, when they propose to take action under sub-section(1), give the Mayor, Deputy Mayor or councillor concerned an opportunity to explain and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.

(3) Any person removed under sub-section (1) from the office of Mayor, Deputy Mayor or councilor, as the case may be, shall not be eligible for election to the said office until the date on which notice of the next ordinary election to the corporation is published in the prescribed manner or the expiry of one year from the date specified in such notification, whichever is earlier]

**<sup>5</sup>[44. Power to suspend or cancel resolution etc., under this Act. ---** (1) The Mayor shall submit to the State Government copies of all important resolutions of the council and of <sup>6</sup>[the standing committees, wards committees] or other committees and all by-laws of the council.

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1. Substituted for the word "Provincial Government" by the Adaptation Order of 1950.

2. Substituted by the Tamil Nadu Act X of 1936.

3. Substituted for the words "to his orders" by the Schedule to the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. Inserted by the Tamil Nadu Act 53 of 2002.

5. Substituted by the Tamil Nadu Act 22 of 1971.

6. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

(2) The State Government may at any time by order in writing ---

(i) suspend or cancel in whole or in part any resolution passed ;

(ii) suspend or cancel any order issued or licence or permission granted ; or

(iii) prohibit the doing of any act which is about to be done or is being done, in pursuance of 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 authorized.

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by, or in contravention of, this or any other Act, or of any rule, notification, regulation or by-law made or issued under this or any other Act, or is an abuse of such powers or adversely affects the financial stability or credit of the corporation or the efficiency of municipal administration as a whole.

(c) such resolution, order, licence, permission or act is in contravention of any direction issued by the State Government, or

(d) 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 State Government shall before taking action under this section on any of the grounds referred to in clauses (a), (b) and (c), give the authority or person concerned an opportunity for explanation :

Providing further that nothing in this sub-section shall enable the State Government to set aside any election which has been held.

(3) If, in the opinion of the commissioner, immediate action is necessary on any of the grounds referred to in clause (d) of sub-section (2), he may suspend the resolution, order, licence or permission or prohibit the doing of the act, as the case may be, and report to the State Government who may thereupon either rescind the commissioner's order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that the commissioner's order shall continue in force with or without modification permanently or for such period as they think fit.]

<sup>1</sup>[44-A. State Government's power to dissolve <sup>2</sup>[ \* \* \* ] the corporation. --- <sup>3</sup>[(1) If, in the opinion of the State Government, the corporation is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abused its powers, the State Government may, by notification, ---

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1. Inserted by the Tamil Nadu Act 22 of 1965.

2. Omitted for the words "or supersede" by Tamil Nadu Municipal Corporation Laws (Amendment and special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

3. Substituted by *ibid.*



(a) dissolve the corporation from a specified date ; and

(b) direct that the corporation be reconstituted with effect from a date which shall not be later than six months from the date of dissolution.

(1-A) An election to reconstitute the corporation shall be completed before the expiration of a period of six months from the date of its dissolution.]

(2) Before publishing a notification under sub-section (1), the State Government shall communicate to the corporation the grounds on which they propose to do so, fix a period of not less than thirty days for the corporation to show cause against the proposal and consider its explanations or objections, if any.

(3) Nothing contained in sub-section (1) shall affect the office of the commissioner.

(4) On the date fixed for the dissolution of the corporation under sub-section (1), all its members as well as the Mayor and the Deputy Mayor (including councillors who are members of committees established or constituted by or under this Act) shall forthwith be deemed to have vacated their offices <sup>1</sup>[and the persons referred to in sub-section (2) of section 5 shall cease to be represented in the council] and fresh elections shall be held in accordance with the provisions of this Act. <sup>2</sup>[ \* \* \* ]

(5) <sup>3</sup>[Dissolution] shall take effect from noon on the date of publication of the notification, if no date is therein specified, and thereupon the following consequences shall ensure :-

(a) All the members of the corporation as well as the Mayor and the Deputy Mayor (including councillors who are members of committees established or constituted by or under this Act) shall forthwith be deemed to have vacated their offices.

(b) All or any of the functions of the corporation, of the Mayor and of the committees established or constituted by or under this Act except the Taxation Appeals Committee may, <sup>3</sup>[during the period of dissolution], be exercised and performed, as far as may be, and to such extent as the State Government may determine by such person as the State Government appoint in that behalf and any such person, may, if the State Government so direct, receive payment for the services from the municipal fund; the State Government may determine the relations of such person with themselves and may direct the commissioner to exercise and perform any powers and duties of the corporation and of the committees aforesaid except the Taxation Appeals Committee in addition to the own.

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1. Inserted by the Tamil Nadu Act 26 of 1994.

2. Omitted the words “the newly elected councilors shall enter upon their offices on the date fixed for the reconstitution of the corporation” by Tamil Nadu Act 10 of 1968.

3. Substituted by Tamil Nadu Act 26 of 1994.

(c) All or any of the function of the Taxation Appeals Committee may, <sup>1</sup>[during the period of dissolution], be exercised and performed by the chairman of the said Committee.

(5-A) <sup>2</sup>[ \* \* \* ]

(6) <sup>2</sup>[ \* \* \* ]

(7) The State Government may reconstitute the corporation before the expiry of the period notified under sub-section (1) <sup>2</sup>[ \* \* \* ]

<sup>3</sup>[(7-A) All the newly elected councilors of the reconstituted corporation 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 corporation would have continued under sub-section (1) of section 5-B, had it not been dissolved.]

(8) When the corporation is dissolved <sup>2</sup>[ \* \* \* ] under this section, the state Government until the date of the reconstitution thereof and the reconstituted corporation thereafter shall be entitled to all the assets and be subject to all the liabilities of the corporation as on the date of the dissolution <sup>2</sup>[ \* \* \* ] and on the date of the reconstitution respectively.]

<sup>4</sup>[**44-AA. Delegation of power by the State Government.**--- The State Government may, by notification, direct that any power exercisable by it under this Act shall, subject to such condition, if any, as may be specified in the notification, be exercisable by the corporation or any of its officers or by the commissioner or any other authority.]

**44.B.** <sup>2</sup>[ \* \* \* ].

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1. Substituted by Tamil Nadu Municipal Corporation Laws (Amendment and special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  2. Omitted by *ibid*.
  3. Substituted by *ibid*.
  4. Inserted by *ibid*.

## CHAPTER III

### Election and Appointment of Councillors

#### QUALIFICATIONS AND DISQUALIFICATIONS OF VOTERS, CANDIDATES AND COUNCILLORS

<sup>1</sup>[45. <sup>2</sup>[One hundred and fifty-five divisions.] <sup>3</sup>[(1) <sup>4</sup>[ \* \* \* ] <sup>5</sup>[For the purposes of the election of the <sup>6</sup>[one hundred and fifty-five] <sup>4</sup>[ \* \* \* ] councillors referred to in <sup>4</sup>[ x x x ] sub-section (1) of section 5, the city shall be divided into <sup>6</sup>[(one hundred and fifty-five) territorial divisions] the boundaries of which shall be fixed by the <sup>7</sup>[State Government] by notification.

(2) The <sup>7</sup>[State Government] may after consulting the council, by notification, alter the boundaries of any such division.

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1. Substituted for original sections 45 to 49 by section 27 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936) and of these sections 46-B, 47, 48, 49 and 49-A have further substituted by section 2(5) of the Tamil Nadu City Municipal, District Municipalities and Local Boards (Amendment) Act, 1938 (Tamil Nadu Act II of 1938).
  2. Substituted by section 3(1) of Tamil Nadu Municipal Corporation Laws (Second Amendment) Act, 27 of 1990.
  3. Substituted by Tamil Nadu Act 7 of 1973.
  4. Omitted for the word “(a) occurring at the beginning, the word “divisional” and the words “clause (a) of ‘by section 29(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  5. Substituted for the words “For the purposes of the election of the Divisional Councillors to fill the fifty general seats” by section 10(i) (a) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958)
  6. Substituted for the words “one hundred and fifty” by section 3(2) of the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act, (Tamil Nadu 27 of 1990.
  7. 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.

<sup>1</sup>**[45-A. Construction of references to Divisions.---** In this Act, Wherever the expression “Division” or “Divisions” and “territorial Divisions” occur, it shall be deemed to refer to “Ward” or “Wards” respectively].

<sup>2</sup>**[46. Number of councilors for each division.---** Only one councilor shall be elected for each division.]

<sup>3</sup>**[46-A. Mode of election.---** All the voters in a division, irrespective of their sex or the community to which they belong, shall be entitled to vote at an election <sup>4</sup>[to the seat in that division]

<sup>5</sup>**[46-B. [ \* \* \* ]**

<sup>6</sup>**[47. Electoral rolls for divisional seats and qualification for inclusion therein. --** 7[(1) The electoral roll of the corporation 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 the corporation and shall be deemed to be the list of voters of the corporation 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 the corporation and before the notification of the result of such election, shall form part of the list of voters for such election, for the purpose of this section.]

(2) 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 71 or any law relating to corrupt practices and other offences in connection with election.

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1. Inserted by Tamil Nadu Act 22 of 1996.
  2. Substituted by section 11 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  3. Substituted by section 6 of the Chennai City Municipal (2<sup>nd</sup> Amendment) Act, 1947 (Tamil Nadu Act VI of 1947).
  4. Substituted for the words, “to any seat in that division, whether reserved or not” by section 12 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  5. Omitted by section 13 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  6. Substituted by Tamil Nadu Act 32 of 1980.
  7. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

(3) No person shall be entitled to be registered in the electoral roll for more than one territorial division or in the electoral roll for any territorial division in more than one place.

(4) No person registered in the electoral roll for a territorial division shall be entitled to be registered in the electoral roll for any other territorial division or ward, as the case may be, of any city (other than the city of <sup>1</sup>[Chennai]), Municipality or panchayat.

**Explanation.---** For the purpose of this sub-section, the expressions 'city' 'municipality' and 'panchayat' shall have the meanings respectively assigned to them in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or in any other law for the time being in force, the [Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920)] and [the Tamil Nadu Pachayats Act, 1994 (Tamil Nadu Act 21 of 1994)].

(5) Subject to the provisions of sub-sections (1) to (4), every person who ---

(a) is not less than <sup>2</sup>[eighteen years] of age on the qualifying date ;  
and

(b) is ordinarily resident in the city  
shall be entitled to be registered in the electoral roll for any one of the territorial divisions referred to in section 45.

**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.

(6) (a) A person shall not be deemed to be ordinarily resident in the city on the ground only that he owns, or is 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 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 resident therein.

(d) If in any case a question arises as to whether a person is ordinarily resident in the city at any relevant time, the question shall be determined by <sup>3</sup>[the State Election Commission] in accordance with such rules as may be prescribed.]

---

1. Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

2. Substituted for "twenty-one" by the constitution 61<sup>st</sup> Amendment Act, 1988, section 2 dated 28<sup>th</sup> March, 1989. Qualification to register as a voter. [Article 326. --- Adult Suffrage "who is not less than 18 years of age on such date as may be fixed in that behalf or under any law made by the appropriate legislature".]

3. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

<sup>1</sup>**[48. Publication of electoral rolls, etc. ---** <sup>2</sup>(1) <sup>3</sup>[Any officer of the State Government or the corporation authorized in this behalf by the 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 times as the State Government may direct, the electoral roll for each of the <sup>4</sup>[one hundred and fifty-five] divisions referred to in section 45 or the alterations to such roll, as the case may be.

<sup>5</sup>**[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 from the electoral roll for any such division published under this sub-section, the name of any person who is dead or who incurs any of the disqualifications specified in sub-section (2) of section 47 <sup>6</sup>[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 division] :

Provided that the name of any person omitted from the electoral roll for the territorial division by reason of a disqualification under clause (c) of sub-section (2) of section 47 shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorising such removal.

<sup>6</sup>[(1-A) To assist the person authorized under sub-section (1), the State Election Commission may employ such person as it thinks fit.]

(2) Where after the electoral rolls for the <sup>4</sup>[one hundred and fifty-five] divisions aforesaid or any alterations to such rolls have been published under sub-section (1), the boundaries of any such divisions are altered, the <sup>7</sup>[The person authorised under that sub-section] shall, in order to give effect to such alteration of boundaries, rearrange and republish in such manner as <sup>3</sup>[the State Election Commission] may direct, the electoral rolls for each of the divisions concerned.

(2-A) <sup>8</sup>[\* \* \*]

- 
1. Substituted by section 27 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936), and further substituted by section 2(5) of the Tamil Nadu City Municipal, District Municipalities and Local Bards (Amendment) Act, 1938 (Tamil Nadu Act II of 1938)
  2. Substituted by the Tamil Nadu Act 6 of 1968.
  3. Substituted by Tamil Nadu 26 of 1994.
  4. Substituted for “one hundred and fifty” by section 4(1) of the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act, 1990 (Tamil Nadu Act 27 of 1990).
  5. Substituted by Tamil Nadu Act 32 of 1980.
  6. Inserted by Tamil Nadu Act 26 of 1994.
  7. Substituted for “Commissioner” by Tamil Nadu Act 6 of 1968.
  8. Omitted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

(3) The electoral roll for any division <sup>1</sup>[\* \* \*] under sub-section (1), as revised by any alterations thereto subsequently published under that sub-section or under sub-section (2), shall remain in force until the publication under sub-section (1) of a fresh electoral roll for that division <sup>1</sup>[\* \* \*].

(4) Every person whose name appears in the electoral roll for any division <sup>2</sup>[\* \* \*] as so revised, shall, so long as such roll remains in force, be entitled, subject to the provisions of this Act, to vote at an election for the division <sup>2</sup>[\* \* \*] and no person whose name does not appear in such roll shall vote at such an election.

<sup>3</sup>**[48-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 the territorial divisions referred to in section 45 ; or

(b) to question the legality of any action taken by any authority under section 47 or section 48.

**48-B. Making false declaration.**—If any person makes in connection with—

(a) the preparation, revision or correction of an electoral roll for the territorial division, or

(b) the inclusion or exclusion of any entry in or from an electoral roll for the territorial division,

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.]

<sup>4</sup>[49. \* \* \*]

<sup>5</sup>**[50. Disqualification of voters.-** 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 71 shall be qualified to vote so long as the disqualification subsists.]

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1 Omitted by section 15 (iii) of the Chennai City municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

2 Omitted by Section 15(iv) of the Chennai City Municipal (Amendment) Act 1958 (Tamil Nadu Act XXIV of 1958).

3 Inserted by Tamil Nadu Act 32 of 1980.

4 Omitted by Section 16 of Tamil Nadu Act XXIV of 1958.

5 Substituted by Tamil Nadu Act 32 of 1980.

**51. Qualification of Candidates.**--<sup>1</sup>[(1) No person shall be qualified for election <sup>2</sup>[\* \* \*] as a councilor unless—

(a) his name is included in the electoral roll of any one of the territorial divisions of the city ;<sup>3</sup>[and]

(b) he has completed his twenty- first year of age. <sup>4</sup>[\* \* \*]

<sup>5</sup>[(c) \* \* \*]

(2) No <sup>6</sup>[ servant of the Government] shall be qualified for election or for holding office as a councilor <sup>7</sup>[\* \* \*]:

Provided that this prohibition shall not apply to—

<sup>8</sup>[(i) \* \* \*]

(jj) the holder of any office which does not involve both of the following incidents, namely ;--

(a) that the incumbent is as whole-time <sup>6</sup>[servant of the Government] ; and

(b) that he is remunerated by either salary of 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 <sup>9</sup>[the Governor] whose decision shall be final.

<sup>10</sup>[(3) Before taking any decision on any such question, the Governor shall obtain the opinion of the State Election Commission and shall act according to such opinion.]

<sup>10</sup>[51-A. Powers of State Election Commission.—(1) Where in connection with the tendering of any opinion to the Governor under sub-section (3) of

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1 Substituted by Tamil Nadu Act 32 of 1980.

2 Omitted for “or co-option” by section 5(1) (a) Tamil Nadu Act 27 of 1990.

3 Added by Section 5(1) (b) of the Tamil Nadu Act 27 of 1990.

4 Omitted “and by section 5(1) (c) of the Tamil Nadu Act 27 of 1990.

5 Omitted by section 5(1) (d) of the Tamil Nadu Act 27 of 1990.

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.

7 Omitted by section 2(1) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV 1958).

8 Omitted by Section 17(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

9 Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

10 Inserted by *ibid*.



section 51, the State Election Commission 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 which 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 of 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).

**51-B. Statements made by persons to the State Election Commission;**- No Statement made by a person in the course of giving evidence before the State Election Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement :

Provided 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 .

**51-C. Procedure to be followed by the State Election Commission.—**

The State Election Commission shall have 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).

**51-D. Protection of action taken in good faith .—** No suit, prosecution or other legal proceedings shall lie against the 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 51-A to 51-c or of any order made thereunder or in respect of the tendering of any opinion by the Commissioner to the Governor or in respect of the publication, by or under the authority of the commission of any such opinion, paper or proceedings.]

<sup>1</sup>[**52. 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 for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned] shall be disqualified for election <sup>2</sup>[\* \* \*] as a councillor <sup>3</sup>[\* \* \*] <sup>4</sup>[while the sentence is in force and for six years from the date of the expiration of the sentence.]

<sup>5</sup>[(1-A) A Person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act XXII shall be disqualified for election <sup>6</sup>[\* \* \*] as a councillor for a period of <sup>7</sup>[six years] from the date of such conviction.]

(2) <sup>8</sup>[A person shall be disqualified for election as a councillor if such person is at the date of nomination or election—

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

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1 Substituted by section 29 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Omitted for “or co-ption” by section 6(1) of the Tamil Nadu Municipal Laws (Second Amendment) Act, 1990 (Tamil Nadu Act 27 of 1990).

3 Omitted by Section 18(1) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXVI of 1958).

4 Substituted by Tamil Nadu Act 22 of 2001.

5 Inserted by Tamil Nadu Act 11 of 1978.

6 Omitted for “or co-option” by section 6(2) of the Tamil Nadu Act 27 of 1990.

7 Substituted by Tamil Nadu Act 22 of 2001.

8 Substituted by Section 6(3) (a) of the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act 27 of 1990.

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

(c) directly or indirectly, be himself or his partner, interested in a subsisting contract made with or any work being done for the corporation :

Provided that a person shall not be deemed to have any interest in 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 ;

(ii) any agreement for the loan of money or any security for the payment of money only ;

(iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted ;

(iv) any company or association, whether incorporated or not which contracts with the corporation for lighting or supplying with water any part of the city or insuring against fire any property of the corporation ;

(v) any company including a railway company ; or

(vi) the sale to the corporation of any articles in which he regularly trades, or the purchase from the corporation of any articles ;

(d) employed as paid legal practitioner on behalf of the corporation or as legal practitioner against the corporation ;

<sup>1</sup>[(dd) a representative or officer of any association or union representing, or purporting to represent, any section of the corporation establishment or any class of employees of the corporation ;]

(e) an officer or servant holding office under this Act, or an Honorary Presidency Magistrate or a Public Prosecutor or Government Pleader ;<sup>2</sup>[\* \* \*] ;

(f) already <sup>3</sup>[\* \* \*] a councillor <sup>4</sup>[\* \* \*] whose term of office as such will not expire before his fresh election <sup>5</sup>[\* \* \*] can take effect or has already been elected a councillor <sup>6</sup>[\* \* \*] whose term of office has not yet commenced ; <sup>7</sup>[or

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1 Inserted by section 3 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Omitted for “or” by section 2 of the Chennai City Municipal (Amendment) Act, 1941 (Tamil Nadu Act IV of 1941), 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).

3 Omitted by section 18(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

4 Omitted for “or an alderman” by Section 2(1) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

5 Omitted for “or co-option” by section 6(3) (b) of the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act (Tamil Nadu Act 27 of 1990).

6 Omitted by section 2(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

7 Added by the Chennai City Municipal (Amendment) Act, 1941 (Tamil Nadu Act IV of 1941), re-enacted permanently by section 2 of, and first Schedule to, the Madras Re-enacting and Repealing (No.1) Act, 1948 (Tamil Nadu Act VII of 1948).

(g) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the corporation up to and inclusive of the previous years, in respect of which a bill, notice or direction has been duly served upon him and the time, if any, specified therein for payment has expired.]

(3) Notwithstanding anything contained in sub-section (1) <sup>1</sup>[or sub-section (1-A)], <sup>2</sup>[the State Election Commission] may direct that <sup>3</sup>[such conviction or sentence] shall not operate as a disqualification.

<sup>4</sup>[(4) No person who is disqualified under section 71, shall be qualified for election <sup>5</sup>[\* \* \*] as a councillor so long as the disqualification subsists].

<sup>6</sup>[(5) If the Tamil Nadu State Election Commission is satisfied that a person,--

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

(b) has no good reason or justification 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 councillor and any such person shall be disqualified for a period of three years from the date of order.]

<sup>7</sup>**[52-A. Disqualification for Mayor, Deputy Mayor and councillor,--** Notwithstanding anything contained in this Act, no person shall be qualified for being elected as, and for being, a Mayor, Deputy Mayor or councillor if he is a member of the Legislative Assembly or a member of either House of parliament.]

**53. Disqualification of councilors.—** <sup>8</sup>[(1) Subject to the provisions of Section 54, <sup>2</sup>[a councillor or a person referred to in <sup>9</sup>[clauses (b) or (c) of sub-section (2) of section 5] <sup>10</sup>[\* \* \*] shall cease to hold office as such, if he—

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 52 ;]

<sup>11</sup>[(aa) is convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act XXVII of 1955);]

(b) becomes a unsound mind, a deaf-mute, or a leper ;

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1 Inserted by Tamil Nadu Act 11 of 1978.

2 Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

3 Substituted for "Such Sentence" by Tamil Nadu Act 11 of 1978.

4 Substituted by Section 4 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act x of 1962), which came into force on the 17<sup>th</sup> September 1962.

5 Omitted for "or co-ption" by Section 6 (4) of the Tamil Nadu Municipal of Corporation Laws (Second Amendment) Act 1990 (Tamil Nadu Act 27 of 1990).

6 Added by Tamil Nadu Act 22 of 2001.

7 Inserted by Tamil Nadu Act 29 of 2002.

8 Substituted by Section 30(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

9 Substituted by Tamil Nadu Act 22 of 1996.

10 Omitted by Section 2(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

11 Inserted by Tamil Nadu Act 11 of 1978.

(c) applies to be adjudicated or is a adjudicated a bankrupt or insolvent ;

(d) subject to the proviso to clause (c) of sub-section (2) of Section 52, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation ;

(e) is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation or accepts employment as legal practitioner against the corporation ;

<sup>1</sup>[(ee) becomes a representative or officer of any association or union representing, or purporting to represent, any section of the corporation establishment or any class of employees of the corporation ; ]

(f) is appointed to any office or post referred to in clause (e) of sub-section (2) of section 52 ;

<sup>2</sup>[(g) is disqualified under section 71 ] ;

(h) ceases to reside in the city; <sup>3</sup>[\* \*\*]

<sup>4</sup>[(hh) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the corporation, within three months after a bill, notice or direction 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, notice or direction, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the commissioner to serve at the earliest possible date) has been duly served upon him by the commissioner ; or]

(i) fails to attend the meetings of the council for a period of three consecutive months beginning from the date of the commencement of his term of office or of the last meeting, he attended, as the case may be.

<sup>5</sup>[\* \* \*]

(2) Notwithstanding anything contained in clause (a), <sup>6</sup>[or clause (aa)] of sub-section (1), <sup>7</sup>[the State Election Commission] may direct, that <sup>8</sup>[such conviction or sentence] shall not operate as a disqualification.

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1 Inserted by section 34(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Substituted by section 5(i) of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act X of 19620, which came into force on the 17<sup>th</sup> September, 1962).

3 Omitted by section 3 of the Chennai City Municipal (Amendment) Act, 1941 (Tamil Nadu Act Iv of 1941), 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).

4 Inserted by Tamil Nadu Act IV of 1941, *ibid*.

5 Omitted by Section 19 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

6 Inserted by Tamil Nadu Act 11 of 1978.

7 Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

8 Substituted for "such sentence" by Tamil Nadu Act 11 of 1978.

(3) where a person ceases to be councillor <sup>1</sup>[\* \* \*] under clause (a),<sup>2</sup>[ clause (aa)] or <sup>3</sup>[clause (g) of sub-section (1)], he shall be restored to office for such portion of the period for which he was elected <sup>4</sup>[\* \* \*] as may remain unexpired at the date of such restoration, if and when the <sup>2</sup>[ conviction, ] sentence or order is annulled on appeal or revision <sup>5</sup>[or the disqualification caused by the <sup>2</sup>[conviction or] sentence or incurred under section 71 is removed by an order of <sup>6</sup>[ the State Election Commission) <sup>7</sup>[and any person elected <sup>4</sup>[\* \* \*] to fill the vacancy in the interim shall on such restoration vacate office.]

(4) In the case of a person who has ceased to be a councillor <sup>1</sup>[\* \* \*] in consequence of failure to attend meetings the matter shall be reported by the commissioner at the <sup>8</sup>[next ordinary meeting] and the council may at that meeting restore such person to office.

**[53-A. Oath or affirmation.—** (1) Every councillor <sup>9</sup>[\* \* \*], 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 <sup>10</sup>[elected as a councillor of] this do swear in the name of God I 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 <sup>11</sup>[\* \* \*] before he has 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 to be recovered as arrears of tax under this Act.]

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- 1 Omitted by section 2(2) of the Chennai City Municipal (Amdt.) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  2. Inserted by Tamil Nadu Act 11 of 1978.
  3. Substituted for the word, "Clause (h)" by section 30 (ii) (b) of the (Tamil Nadu Act X of 1936.)
  - 4 Omitted for "or co-opted" by Section 7 of the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act, 1990 (Tamil Nadu Act 27 of 1990).
  - 5 Substituted by section 5 (ii) of the Tamil Nadu City Municipal Corporation and District municipalities (Amendment) Act, 1962 (Tamil Nadu Act X of 1962), which came into force on the 17<sup>th</sup> September, 1962.
  - 6 Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  - 7 Added by Section 30 (ii) (c) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  - 8 Substituted for the Words "next general meeting" by Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  - 9 Omitted for "and every person nominated under clause (a) of sub-section (2) of section 5" by Tamil Nadu Act 3 of 1997.
  - 10 Substituted by Tamil Nadu Act 3 of 1997.
  - 11 Omitted by Tamil Nadu Act 3 of 1997.

**54. Decision of questions of disqualification of councillors by the Chief judge of Small Cause Court.**— (1) Whenever it is alleged that any person who has been elected <sup>1</sup>[\* \* \*] as a councillor <sup>2</sup>[\* \* \*] is disqualified under <sup>3</sup>[\* \* \*] section 53 <sup>4</sup>[or section 53-A] and such person does not admit the allegation or whenever any councillor <sup>5</sup>[\* \* \*] is himself in doubt whether or not he has become disqualified for office, such councillors <sup>5</sup>[\* \* \*] or any other councillor <sup>5</sup>[\* \* \*] may, and the commissioner, at the request of the council, <sup>6</sup>[or on a direction from the <sup>7</sup>[(State Government)]] shall apply to the Chief judge of the Small Cause Court.

(2) The Said Chief judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under <sup>3</sup>[\* \* \*] section 53 <sup>8</sup>[or section 53-A] and his decision shall be final.

<sup>9</sup>(3) Until an application has been made under sub-Section (1) and a decision thereon has been obtained, such person shall be entitled to act as if he were not disqualified.]

<sup>10</sup>[DISPUTES REGARDING ELECTIONS.

**54-A. Election Petitions.**— (1) No election of Mayor or a councillor shall be called in question except by an election petition presented to the Principal Judge, city Civil Court, <sup>11</sup>[Chennai], within <sup>12</sup>[forty-five days] from the date of the publication of the result of the election under section 53.

(2) An election Petition calling in question any election may be presented on one or more of the grounds specified in section 54-B by any candidate at such election, by any elector of the division concerned or by any councillor.

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1 Omitted for “or co-opted” by section 9 of the Tamil Nadu Municipal Corporation Laws (Second Amendment) Act 1990 (Tamil Nadu Act 27 of 1990).

2 Omitted by section 21 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act, XXIV of 1958).

3 Omitted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu 26 of 1994).

4 Inserted by section 32 (i) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

5 Omitted by section 2(2) of the Chennai City Municipal (Amdt.) Act, 1958 (Tamil Nadu Act XXIV of 1958).

6 Inserted by section 32(i) (d) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

7 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 section 32(ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

9 Substituted by section 32 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

10 Inserted by the Tamil Nadu Municipal Corporation Laws (Amendment and special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).

11 Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.

12 Substituted for “fifteen days” by Tamil Nadu Act 22 of 2001.

(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 the 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.

<sup>1</sup>[(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 day to day until its conclusion, unless the principal Judge, City Civil Court, Chennai, 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 principal judge, City Civil Court Chennai for trial.]

<sup>2</sup>**[54-B. Grounds for declaring elections to be void.—** (1) Subject to the provisions of sub-section (2) if the principal judge, City Civil Court, is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as <sup>3</sup>[Mayor or a 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 affected--

(i) by the improper acceptance of any nomination, or

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1 Inserted by the Tamil Nadu Act 10 of 2001.

2 Inserted by Tamil Nadu Act 26 of 1994.

3 Substituted for the word “a Councillor” by Tamil Nadu Act 22 of 1996.



(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 court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent of any corrupt practice, but the court 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

(c) that in all other respect the election was free from any corrupt practice on the part of the candidate or any of his agents, then, the court may decide that the election of the returned candidate is not void.]

#### [CORRUPT PRACTICES.

**54-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 the 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 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 a corrupt practice under this clause.

**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, playcard 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.]

#### GENERAL RULES FOR ELECTION <sup>1</sup>[\* \* \*]

<sup>2</sup>[55.] **Term of office of councillors.**— <sup>3</sup>[The term of office of councillors shall, save as otherwise expressly provided in this Act, be five years beginning and expiring at noon on such date as <sup>4</sup>[ the State Election Commission, in consultation with the State Government, may,] by notification, appoint in that behalf.]

<sup>5</sup>[\* \* \*]

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1 Omitted for “and Co-option” by Tamil Nadu Act 27 of 1990.

2 Original Sub-section (1) of section 55 was renumbered as section 55 by section 33(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Substituted by Tamil Nadu Act 10 of 1968.

4 Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).

5 Proviso was omitted by *ibid*.

<sup>1</sup>**[55-A. Election of councilors.—** (1) <sup>2</sup>[(a) Ordinary vacancies in the office of elected councilors shall be filled at ordinary elections which shall, subject to the approval of the State Election Commission be fixed by the State Government to take place on such days within three months before the occurrence of the vacancies as they may think fit.]

(b) A casual vacancy in the office of an elected councillor shall be filled at a casual election which shall, <sup>2</sup>[subject to the approval of the State Election Commission, be fixed by the State Government] 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 or retirement by efflux of time and that such vacancy shall be filled at the next ordinary election.

(2) Notwithstanding anything contained in this Act <sup>2</sup>[ the State Election Commission in consultation with the State Government] may, for sufficient cause, direct from time to time the postponement or alteration of the date of an ordinary or casual election or any stage of any such election.]

<sup>2</sup>[(3) A councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.]

(4) to (6) <sup>3</sup>[\* \* \*]

<sup>4</sup>**[55-B. Special Officer to make arrangements for elections.—** (1) Notwithstanding anything contained in clause (a) of sub-section (10) of section 55-A, <sup>2</sup>[the Officer, or authority referred to in section 44-AA in consultation with the State Election Commission, shall ] cause arrangements for elections to be conducted, so that the newly elected councilors may come into office on a day <sup>5</sup>[within a period of <sup>6</sup>[eight years and six months, from the <sup>7</sup>[31<sup>st</sup> day of May 1994.] :

Provided that the State government may, by notification, extend the said period for a further period not exceeding six months :

<sup>8</sup>[Provided further than the State Government may, by notification, for sufficient cause direct that the period specified in sub-section (1) shall be

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1. Original sub-section (2),(3) and (4) of section 55 were renumbered as sub-sections (1),(2) and (3) respectively of section 55-A by section 38(2) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936) and sub-sections (1) and (2) as so renumbered were substituted by section 7 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act x of 1962), which came into force on the 17<sup>th</sup> September, 1962.
  2. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  3. Omitted by Tamil Nadu Act 27 of 1990.
  4. Inserted by Tamil Nadu Act 34 of 1973.
  5. Substituted by Tamil Nadu Act 2 of 1975.
  6. Substituted for “seven years and six months” by Tamil Nadu Act 18 of 1982.
  7. Substituted by the Tamil Nadu Act 31 of 1993.
  8. Added by Tamil Nadu Act 10 of 1978.

reduced by such period not exceeding <sup>1</sup>[six months], as may be specified in such notification.]

(2) For the purpose of sub-section (1) of this Section, clause (a) of sub-section (1) of section 55-A shall have effect, as if for the words “within three months before the occurrence of the vacancies as he thinks fits”, the words “so as to ensure that the newly elected councillors come into office within the period specified in sub-section (1) of section 55-B” were substituted.]

<sup>2</sup>[56. Omitted]

<sup>2</sup>[56-A. Omitted]

<sup>3</sup>[56-B. Omitted]

<sup>3</sup>[56-C. Omitted]

<sup>4</sup>[57. **Election of same person for more than one division.**— (1) If any person has been elected for two or more divisions, he shall, within three days from the date of the last of such elections, intimate to the commissioner, the division for which he chooses to serve.

(2) In default of such intimation, the commissioner shall determine by lot and notify the division for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the division so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other division shall be filled by fresh elections.]

<sup>5</sup>[58. **Notification of elections** <sup>2</sup>[\* \* \*].— All elections of the <sup>6</sup>[Mayor and Deputy Mayor] and all election <sup>7</sup>[\* \* \*] of councillors shall be notified in the <sup>8</sup>[Official Gazette].

**59. Power of State Government to make election rules.**— <sup>9</sup>[(1) The State Government may, in consultation with the State Election Commission, make rules regulating the procedure with regard to elections.]

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1 Substituted for “three months” by Tamil Nadu Act 57 of 1979.

2 Omitted by Tamil Nadu Act 26 of 1994.

3 Omitted by Section 23 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958)

4. Substituted by section 24 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958)

5 Substituted by section 37 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936)

6 Substituted for the Words “Deputy Mayor and alderman” by Section 25 of the chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).

7 Omitted by Tamil Nadu Act 26 of 1994.

8 Substituted for the words “Fort St. George Gazette”, by the Adaptation order of 1937.

9 Substituted by Tamil Nadu Act 26 of 1994.

(2) Without prejudice to the generality of sub-section (1), such rules may—

<sup>1</sup>[(a) \* \* \*];

<sup>2</sup>[(b) provide for the adjudication by the Principal Judge, City Civil Court, <sup>3</sup>[Chennai] of disputes arising out of elections, and ;]

(c) provide for all matters not expressly provided for in this Act relating to the election of the Mayor, the Deputy Mayor <sup>4</sup>[or councilors] including deposit to be made by candidates standing for election as councilors and the <sup>5</sup>[conditions under which such deposits may be forfeited and the maximum amount of expenditure which may be incurred by the candidates standing for election as councilor or Mayor] :

Provided that the deposit required shall not exceed <sup>6</sup>[six thousand rupees].

<sup>7</sup>[\* \* \*].

<sup>8</sup>**[59-A. Voting machine 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 the corporation as the 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 a such voting machine wherever such voting machine is used at any election.]

<sup>9</sup>**[60 to 61. Omitted].**

#### **ELECTION OFFENCES.**

<sup>9</sup>**[62 TO 65. Omitted].**

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1. Omitted by section 2 (9) of the Tamil Nadu City Municipal, District Municipalities and Local Boards Amendment) Act, 1938 (Tamil Nadu Act II of 1938).
  2. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu Act 26 of 1994).
  3. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.
  4. Substituted for the words “councillors or alderman” by section 26 of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  5. Substituted for the words “conditions under which such deposits may be forfeited” by Tamil Nadu Municipal Laws (Third Amendment) Act, 1996 (Tamil Nadu Act 22 of 1996).
  6. Substituted for the words “one hundred rupees” by Tamil Nadu Act 26 of 1996.
  7. Proviso was omitted by Tamil Nadu Act 21 of 1939.
  8. Inserted by Tamil Nadu Act 10 of 2001.
  9. Omitted by section 39 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**66. Infringement of secrecy of election.**-- <sup>1</sup>[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.

<sup>2</sup>**66-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.

**66-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.

**66-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 any public meeting in any division 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 in that division.

(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.

**66-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 in any division between the earliest date for making nomination of candidates for an election and the date on which such election is held.

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1. Substituted by section 8 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act X of 1962) which came into force on the 17<sup>th</sup> September, 1962.
  2. Inserted by section 9 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu X of 1962) which came into force on the 17<sup>th</sup> September, 1962.

(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.

**66-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 or other document distributed for the purpose of promoting or prejudicing the election of a candidate or group of candidates or any playcard or poster having reference to an election, but does not include any hand-bill, playcard 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.

**66-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.

(2) 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.

**66-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 votes ; 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.

(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.

**66-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 willfully 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 reasonable 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.

**66-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 authorized 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.

(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 66-H.

**66-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 his 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 or 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.

**66-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 nomination or withdrawal of candidates, or the recording or counting of votes at an election ; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act.

**66-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 willfully 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 sub-section (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.

**66-M. Other offences and penalties therefore.--**(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 ; or

(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 the returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on 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.

**66-N. Prosecution regarding certain election offences.**—No court shall take cognizance of any offence punishable under section 66-F or under section 66-K or under clause (a) of sub-section (2) of section 66-M except on complaint in writing made by order of, or under authority from, the State Government.]

<sup>1</sup>[67 to 70. Omitted].

<sup>2</sup>[**71. Order of disqualification.**—Every person convicted of an offences punishable <sup>3</sup>[under sections 66,66-A, 66-B, 66-C, 66-D, 66-E, 66-F, 66-G, 66-H, 66-I, 66-J, 66-K, 66-L or 66-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 <sup>4</sup>[\* \* \*] or from holding the office of councilor <sup>5</sup>[\* \* \*] for a period of five years from the date of his conviction. <sup>6</sup>[\* \* \*]

## <sup>7</sup>[**REQUISITIONING OF PROPERTY FOR ELECTION PURPOSES.**

**71-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—

(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, requisitioning such premises, or such vehicle 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 ;

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1. Omitted by section 39 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for original section 71 by section 40 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words and figures “under section 66” by section 10 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act X of 1962) which came in to force on the 17<sup>th</sup> September, 1962.
  4. Omitted for “or for being co-opted as a councilors” by section 14 of the Tamil Nadu Municipal Corporation Laws (Second Amendment Act, 1990 (Tamil Nadu Act 27 of 1990).
  5. Omitted by section 2(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  6. Omitted by section 42 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  7. The heading and sections 71-A to 71-H were inserted by section 11 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act X of 1962) which came into force on the 17<sup>th</sup> September, 1962.

Provided that no vehicle, vessel or animal which is being lawfully used by 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.

**71-B. Payment of compensation.**—(1) Whenever in pursuance of section 71-A the State Government requisition any premises, there shall be paid by the corporation 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 :

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

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1. Substituted for the word "Madras" by Tamil Nadu Adaptation of Laws Order, 1969.

Provided further that where there is any dispute as to the title to receive the compensation or as to the appointment 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 71-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 71-A the State Government requisition any vehicle, vessel or animal, there shall be paid by the corporation 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 of 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 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.

**71-C. Power to obtain information.**—(1) The State Government may, with a view to requisitioning property under section 71-A or determining the compensation payable under section 71-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.

**71-D. Powers of entry into and inspection of premises, etc.**—(1) Any person authorized 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 71-A should be made in relation to such premises, vehicle, vessel or animals 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 meaning as in section 71-A.

**71-E. Eviction from requisitioned premises.**—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 71-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 or any building or do any other act necessary for effecting such eviction.

**71-F. Release of premises from requisition.**—(1) When any premises requisitioned under section 71-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.

(2) Where the person to who possession of any premises requisitioned under section 71-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.

**71-G. Delegation of function 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 71-A to 71-F shall under such conditions, if any, as may be specified in the direction, be exercised or discharges by such officer or class of officers as may be so specified.

**71-H. Penalty for contravention of any order of requisitioning.**—If any person contravenes any order made under section 71-A or section 71-C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.]

## CHAPTER IV.

### General Powers of Municipal Authorities as to Property, Contracts, Establishment.

#### PROPERTY.

<sup>1</sup>[72. Omitted].

**73. Limitation of power to accept property in trust.**—The council may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied.

**74. Acquisition of property and interests therein.**—Subject to the provisions of section 80, the commissioner may, for the purposes of this Act, acquire on behalf of the corporation movable or immovable property within or without the city or any interests in such property:

Provided that—

(a) the commissioner shall be bound by any resolution of the <sup>2</sup>[standing committee] fixing terms, rates or maximum prices for a particular case or for any class of cases:

(b) the sanction of the <sup>2</sup>[standing committee] shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation; and

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1. Omitted by the Adaptation Order of 1937.

2. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.



(c) the sanction of the council shall be required—

(i) for the acceptance or acquisition of any immovable property, if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees ;

(ii) for the taking of any property on lease for a term exceeding three years ; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation, if the value of such property exceeds one thousand rupees.

**75. Disposal of property and interests therein.**--- (1) Subject to the provisions of section 80, the commissioner may dispose by sale or exchange of any corporation movable property the value of which does not exceed <sup>1</sup>[five thousand rupees] in each instance, or grant for any term, not exceeding twelve months a lease of any corporation immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like:

Provided that every such disposal, lease or concession made or granted by the commissioner shall be reported to the <sup>1</sup>[standing committee] within fifteen days.

<sup>2</sup>[(2) With the sanction of the standing committee on taxation and finance, the commissioner may lease or dispose by sale or exchange of any corporation moveable property the value of which exceeds five thousand rupees, but does not exceed ten thousand rupees in each instance and of any corporation immovable property the value of which does not exceed twenty-five thousand rupees or grant for any term not exceeding three years a lease of any corporation immovable property, or a lease or concession of any such right as aforesaid.

(3) With the sanction of the council, the commissioner may lease, sell or otherwise dispose of any corporation movable property, the value of which exceeds ten thousand rupees and of any corporation immovable property the value of which exceeds twenty-five thousands rupees.]

(4) The sanction of the <sup>3</sup>[standing committee on taxation and finance] under sub-section (2) or that of the council under sub-section (3) may be given their generally or for any class of cases or specially for any particular case.

<sup>4</sup>[(5) The commissioner may lend or let out on hire any corporation movable property on such conditions and for such periods as may be specified in regulations made by the <sup>3</sup>[standing committee on taxation and finance] in that behalf.]

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1. Substituted for “two thousand and five hundred rupees” by the Tamil Nadu Act 22 of 1971.

2. Substituted by the Tamil Nadu Act 22 of 1971.

3. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

4. Added by section 41 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**76. Procedure for acquisition of immovable property under the land acquisition Act, 1894.**--- Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 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 corporation.

<sup>1</sup>**[76-A.Object not provided for by this Act.**—The <sup>2</sup>[State Government] may with the consent of the council transfer to the corporation the management of any institution or the execution of any work not provided for by this Act and it shall thereupon be lawful for the corporation 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 corporation by the <sup>2</sup>[State Government].]

### **CONTRACTS.**

**77.Powers of council to determine whether works shall be executed by contract.**--The council may determine either generally for any class of cases or specially for any particular case whether the commissioner shall execute works by contract or otherwise.

<sup>3</sup>**[78. Power of municipal authorities to sanction estimates.**--- The powers of the different municipal authorities to sanction estimates shall be as follows:-

(a) when the amount of estimate does not exceed one lakh of rupees, the sanction of the concerned wards committee shall be required;

(b) when the amount of estimate exceeds one lakh of rupees but does not exceed ten lakhs of rupees, the sanction of the commissioner shall be required;

(c) When the amount of estimate exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be required;

(d) when the amount of estimate exceeds fifteen lakhs of rupees but does not exceed twenty lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;

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1. Inserted by section 42 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936)

2. 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. Sections 78 and 79 were substituted by Tamil Nadu Act 41 of 2003.

(e) when the amount of estimate exceeds twenty lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the council shall be required ;

(f) When the amount of estimate exceeds fifty lakhs of rupees, the sanction of the State Government shall be required.

**79. Work costing more than ten lakhs of Rupees—( 1 )** Where a project is framed for the execution of any work or serious of works the entire estimated cost of which exceeds ten lakhs of rupees ,----

(a) The commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,---

(i) before the concerned standing committee (other than the standing committee on taxation and finance), if the entire estimated cost exceeds ten lakhs of rupees but does not exceed fifteen lakhs of rupees ;

(ii) before the standing committee on taxation and finance, if the entire estimated cost exceeds fifteen lakhs of rupees but does not exceed twenty lakhs of rupees ;

(iii) before the council, if the entire estimated cost exceeds twenty lakhs of rupees ;

(b) The concerned standing committee or the standing committee on taxation and finance or the council, as the case may be, shall consider the report and may approve it either in its entirety or subjects to modifications or may reject the same.

(2) (a) Where the council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds fifty lakhs of rupees, the same shall be submitted to the State Government;

(b) the State Government may sanction the project either in its entirety or subject to modification are may reject the same and the work shall not be commenced without such sanction of the state government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the State Government.]

**80. General provisions regarding contracts.-----** (1) The council may enter into and perform all such contracts as it may consider necessary or expedient for carrying in to effect the provisions of this Act.

<sup>1</sup>[(2) Every contract on behalf of the corporation shall be made by the commissioner subject to the following provisions, namely:-

(a) no contract the estimated cost of which does not exceed one lakh of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee ;

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1 Sub-section (2) was substituted by Tamil Nadu Act 41 of 2003.

(b) any contract the estimated cost of which exceeds one lakh of rupees but does not exceed thirty-five lakhs of rupees may be made by the commissioner ;

(c) no contract the estimated cost of which exceeds thirty-five lakhs of rupees but does not exceed forty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned standing committee (other than the standing committee on taxation and finance) ;

(d) no contract the estimated cost of which exceeds forty lakhs of rupees but does not exceed forty-five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance ;

(e) no contract the estimated cost of which exceeds forty-five lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the council ;

(f) no contract the estimated cost of which exceeds fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the State Government ;

(g) every contract the estimated cost of which exceeds forty thousand rupees made by the commissioner shall be reported to the concerned standing committee within fifteen days from the date on which it has been made.]

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten per centum on the expenditure involved in the original contract.

**81. Mode of making contracts.**—(1) Every contract entered into by the commissioner on behalf of the corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged :

Provided that---

(a) the common seal of the corporation shall be affixed to every contract which, if made between private persons, would require to be under seal ; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding <sup>1</sup>[two thousand rupees] shall be in writing and shall be sealed with the common seal of the corporation and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be laid for such work, materials or goods, and

(iii) in the case of a contract for work the time within which the work or specified portions thereof shall be completed

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1 Substituted for “One thousand rupees” by Tamil Nadu Act 22 of 1971

<sup>1</sup>[(2) The common seal of the corporation shall remain in the custody of the commissioner and shall not be affixed to any contract or to other instrument except in the presence of the commissioner and the commissioner shall sign the contract or instrument in token that the same was sealed in his presence.]

(3) No contract executed otherwise than as provided in this section shall be binding on the corporation.

<sup>2</sup>[**82. Invitation of tenders.**---(1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding ten thousand rupees the commissioner shall give notice by advertisement inviting tenders for such contract.

(2) The commissioner on receipt of the tenders in respect of any contract made in pursuance of the notice given under sub-section (1) may, subject to the provision of section 80 and the rules made thereunder, accept the tender after following the procedure as may be prescribed.]

<sup>3</sup>(3) (a) Where the amount of any contract exceeds fifty thousand rupees but does not exceed one lakh of rupees, the commissioner, on receipt of the tenders in respect of such contract made in pursuance of the notice given under sub-section (1), shall place the tenders before the standing committee, which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous, and thereupon the commissioner, shall, subject to the provisions of section 80, accept the tender so approved;

(b) Where the amount of any contract exceeds one lakh of rupees, but does not exceed two lakhs of rupees, the commissioner, on receipt of the tenders in respect of which such contract is made in pursuance of the notice given under sub-section(1), shall place the tenders before the standing committee on taxation and finance which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous, and thereupon the commissioner, shall, subject to the provisions of section 80 accept the tender so approved ;

(c) Where the amount of any contract exceeds two lakhs of rupees, but does not exceed seven lakhs and fifty thousand rupees, the commissioner on receipt of the tenders in respect of which such contract is made in pursuance of the notice given under sub-section(1), shall place the tenders before the council which may approve any tender which appears to it, upon a view of all the circumstances, to be the most advantageous and thereupon the commissioner, shall, subject to the provisions of section 80, accept the tender so approved ;

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1 Substituted by section 47 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Substituted by Tamil Nadu Act 3 of 1997.

3 Substituted by Tamil Nadu 22 of 1971.

(d) Where the amount of any contract exceeds seven lakhs and fifty thousand rupees, the commissioner on receipt of the tenders in respect of which such contract is made in pursuance of the notice given under sub-section (1), shall place the tenders before the State Government which may approve any tender which appears to them, upon a view of all the circumstances, to be the most advantageous and thereupon the commissioner, shall, subject to the provisions of section 80 accept the tender so approved.]

**83. Saving of certain irregularities.**—When work is given on contract at unit rates and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of section 80, section 81 or section 82 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

**84. Security for performance of contracts.**—The Commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Act.

### **ESTABLISHMENT.**

<sup>1</sup>**85. Corporation establishment.**—(1) <sup>2</sup>[In addition to the other officers appointed under sub-section (2) of section 7,] the corporation establishment shall consist of the following classes of officers, namely:-

**Class I-A.**—A health officer, an engineer, an electrical engineer, a water-works engineer, a drainage engineer, a revenue officer, a chief accounts officer and the educational officer.

**Class I-B.**—Officers, who in the opinion of the council are of a status equivalent to the status of Class I-A officers appointed to serve under the Corporation.

**Class II.**—Assistants to Class I-A and Class I-B officers.

**Class III.**—All other persons (not being persons holding post in a service classified by the council as a last grade service) appointed to service under the corporation.

**Class IV.**—All persons holding posts in a service classified by the council as a last grade service.

(2) All Class I-A and Class I-B officers shall be heads of departments working under the commissioner.

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1 Substituted by section 49 of the Tamil Nadu City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Substituted for “In addition to the Assistant Commissioner and a personal assistant to the Commissioner” by section 10 of the Tamil Nadu Act 26 of 1992

<sup>1</sup>[(3) (a) Every appointment to any post included in Class I-A shall be made by the State Government.]

(b) Every appointment <sup>3</sup>[to any post included in Class I-B or Class II] shall be made by the council and shall be subject to confirmation by the State Government.

<sup>2</sup>[(c) Appointments to all posts included in Class III and in Class IV and to all other posts not so included shall be made by the appointments committee consisting of the Mayor, the commissioner and two councillors elected by the council, which shall be established for the corporation subject to the by-laws, if any, made by the council.]

**86. Conditions of service of corporation establishment.—**(1) Save as otherwise provided in this Act, the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the corporation establishment shall be regulated--

(i) in the case of Class I-A, Class I-B and Class II officers, by rules made by the State Government in this behalf ;

(ii) in the case of the employees included in Class III and Class IV, by by-law made by the council under section 349 :

Provided that any <sup>3</sup> [.....], Class I-B or Class II Officer may be removed from office by the State Government :

Provided further that-----

(i) the amount of any salary, leave and leave allowances, <sup>2</sup>[allowances for house-rent, carriage hire, traveling allowances or any other allowance] gratuity or pension granted under the said by-laws shall in no case, without the special sanction of the State Government, exceed what would be admissible in the case of Government servants of similar standing and status, and

(ii) the conditions under which such salary and allowances are granted or any leave, superannuating or retirement is sanctioned shall not without similar sanction be more favorable than those for the time being prescribed for such Government servants.

<sup>4</sup>[(1-A) The State Government may---

(a) recover from the corporation the whole or such proportion of the salary and allowances paid to any Class I-A officer and such contribution towards, his leave allowances, pension and provident fund as the State Government may, by general or special order, determine;

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1. Substituted by Tamil Nadu Act 15 of 1965.

2. Substituted by Tamil Nadu Act 3 of 1997.

3. Omitted "Class I-A" by Tamil Nadu Act 15 of 1965.

4. Inserted by Tamil Nadu 15 of 1965.

(b) at any time, withdraw any Class I-A officer and appoint another in his place.]

(2) No officer or other employee of the corporation shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(3) No such officer or employee as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taking in regard to him :

Provided that this sub-section shall not apply---

(a) Where a person is dismissed or removed or reduced in rank on the ground of conviction which has led to his conviction on a criminal charge ;

(b) Where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for reasons to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or

(c) Where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that in the interests of the security of the State, it is not expedient to give to that person such an opportunity.

(4) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (3) or whether in the interests of the security of the State it is not expedient to give to any person such an opportunity under that sub-section, the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

(5) Every officer of the corporation establishment shall be a whole time officer of the corporation and no such officer shall undertake any work unconnected with his office without the permission of the commissioner :

Provided that the order of the commissioner granting such permission shall be placed before the next meeting of the council.

**87. Time within which vacancy in certain posts must be filled up---**

(1) If a vacancy occurs in any office included in <sup>1</sup>[\* \* \*] Class I-B or Class II, or any new office in Class I-B or Class II is created, the council shall, within three months, appoint any qualified and suitable person within forty five days from the receipt any qualified and suitable person to hold such office.

(2) If the State Government refused to confirm the appointment so made, the council shall appoint some other qualified and suitable person within forty five days from the receipt of the order refusing confirmation.

(3) In default of any appointment being made in accordance with sub-section (1) or sub-section (2) as the case may be, the State Government may

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1 Omitted "Class I-A" by Tamil Nadu Act 15 of 1965.



appoint a person who in their opinion, is qualified and suitable to hold the office and such person shall be deemed to have been appointed by the council.

(4) Pending an appointment under sub-section (1) or sub-section (2), the council may appoint a person to hold the office temporarily and assign to him such salary as it may think fit :

Provided that the salary so assigned shall not exceed the maximum fixed by the State Government by rules in respect of the office.

**88. Leave pensionary and leave contributions of certain officers,--**(1) If any <sup>1</sup>[\* \* \*], Class I-B or Class II officer is a civil or military officer in the serviced under the corporation, is or has been transferred from or to the service of the Government or is employed partly under the Government and partly under the Corporation, he shall be entitled to leave and other privileges in accordance with the rules and regulations of the branch of Government service to which he belongs and in force for the time being and the corporation shall make such contribution toward his leave allowances, pensions and provident funds as may be required to be made by him or on his behalf under the rules and regulations of the branch of the Government service to which he belongs.

(2) If any such officer is not a civil or military officer in the service of the Government, his leave and leave allowances, his superannuating or retirement, his gratuity or pension and the proportions of his pensionary or provident fund contribution payable respectively from his salary and from the municipal fund shall be governed by regulations approved by the state Government:

Provided that—

(a) the amount of any such leave and leave allowances, <sup>2</sup>[allowances for house-rent, carriage hire, traveling expenses or any other allowances] gratuity or pension shall in no case without the special sanction of the State Government exceed what would be admissible in the case of Government servants of similar standing and status ; and

(b) the conditions under which such allowances are granted, or any leave, superannuating or retirement is sanctioned shall not without similar sanction be more favorable than those for the time being prescribed for such Government servants.

**89. Power of State Government to appoint special health officers.**—In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city, the State Government, if they consider immediate action necessary, may of their own motion appoint a special health officer wholly or partly at the expense of the municipal fund:

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1 Omitted "Class I-A" by Tamil Nadu Act 15 of 1965.

2 Inserted by Tamil Nadu Act 15 of 1965.

Provided that—

(a) the duration of the special officer shall not exceed six months ;  
and

(b) the corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof.

**90. Establishment schedule.**—(1) The Commissioner shall lay before the <sup>1</sup>[standing committee on taxation and finance] a schedule setting forth the designations and grades of the officers (other than Class I-A Officers) and servants who should in his opinion constitute the corporation establishment, and embodying his proposals with regard to the salaries, fees and allowances payable to them:

Provided that nothing contained in the schedule or proposals aforesaid shall be inconsistent with the rules or by-laws referred to in sub-section (1) of section 86.

(2) The <sup>1</sup>[standing committee on taxation and finance] may either approve or amend such schedule as it thinks fit and shall lay it before the council with its remarks, if any.

(3) The council shall sanction such schedule with or without modifications as it thinks fit.

(4) The commissioner may, from time to time, lay before the <sup>1</sup>[standing committee on taxation and finance] for its remarks, if any, his proposals to amend the schedule sanctioned by the council under sub-section (3). The proposals of the commissioner together with the remarks of the <sup>1</sup>[standing committee on taxation and finance] thereon shall be placed before the council. The council may either approve, reject or modify the amendments aforesaid.

(5) No new office in Class I-B and no new office in any other class, the maximum monthly salary of which exceeds three hundred rupees shall be created without the sanction of the State Government.

**91. Commissioner controls corporation establishment.**—Subject to the provisions of this Act and to the rules, by-laws and regulations for the time being in force, the commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings.

**92. Power to grant leave to establishment.**—Leave may be granted to the officers and servants of the corporation other than the officers appointed under sub-section (2) of section 7 and Class I-A officers by the Commissioner.

**93.** <sup>2</sup>[Omitted]

**94.** <sup>3</sup>[Repealed]

**95.** <sup>3</sup>[Repealed]

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1 Substituted for “central committee”, by Tamil Nadu Act 22 of 1971.

2 Omitted by Tamil Nadu Act 25 of 1972.

3 Repealed by Tamil Nadu Act 10 of 1968.

**96. Provincialisation of any class of officers or servants under the corporation.**—(1)Notwithstanding anything contained in this Act, the State Government may, by notification, constitute any class of officer or servants of the Corporation into a <sup>1</sup>[civil service for State of <sup>2</sup>[Tamil Nadu].]

Upon the issue of a notification under sub-section (1), the State Government shall have power to make rules to regulate the classification, methods of recruitment, conditions of services, pay and allowances and discipline and conduct of the <sup>3</sup>[civil service] thereby constituted and such rules may vest jurisdiction in relation to such service in the State Government or in such other authority or authorities as may be specified therein.

**<sup>4</sup>[97. Power of State Government to transfer officers and servants of the corporations or municipalities.**—(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 the corporation to the service of the Municipal Corporation of Madurai constituted under the Madurai City 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 other municipal corporation constituted under any law for the time being in force ; or

(b) to transfer any officer or servant of the Municipal Corporation of Madurai constituted under the Madurai City 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 other municipal Corporation constituted under any law for the time being in force, to the service of the corporation ; or

(c) to transfer any officer or servant of the corporation to the corporation to the service of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) ; or

(d) to transfer any officer or servant of any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), to the service of the corporation.

(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)].

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1 Substituted for “corporation establishment” by Tamil Nadu Act 10 of 1968.

2 Substituted for the work “Madras” by adaptation of Laws Order, 1969.

3 Substituted for “corporation service” by Tamil Nadu Act 10 of 1968.

4 Substitute by Tamil Nadu Act 32 of 1985.

**PART III**

**Taxation and Finance**

## CHAPTER V.

### Taxation.

#### ENUMERATION OF TAXES

**98. Enumeration of taxes and duties.**---- The <sup>1</sup>[council] may levy ---

- (a) a property tax,
- (b) a tax on companies,
- (c) a profession tax,
- (d) a tax on carriages and animals,
- (e) a tax on carts,
- (f) a tax on timber brought into the city,

<sup>2</sup>[and may, with the previous sanction of the <sup>3</sup>[State Government] <sup>4</sup>[...]]  
levy,

<sup>5</sup>[h] a duty on certain transfers of property in the shape of an  
additional stamp duty:

- 
1. Substituted for the word "corporation" by section 52(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 52 (ii) of the Tamil Nadu Act X of 1936.
  3. 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 the words "and the Governor-General in Council" by the Adaptation Order of 1937.
  5. Original clause (g) was re-lettered as clause (h) by section 52 (iii) of the Chennai city municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>1</sup>[Provided] that the tax on companies shall only be leviable if it was being levied immediately before the commencement of <sup>2</sup>[the Constitution] and shall only be leviable until provision to the contrary is made by <sup>3</sup>[Parliament by law]].

<sup>4</sup>**98-A. Powers of control of State Government.----** (1) Before the council passes any resolution imposing a tax or duty for the first time, it shall direct the commissioner to publish a notice in the <sup>5</sup>[Official Gazette] and in the local newspaper of its intention and fix a reasonable period not being less than one month from the date of publication of such notice in the <sup>5</sup>[Official Gazette] for submission of objections. The council may, after considering the objections, if any, received within the period specified, determine by resolution to levy the tax or duty. Such resolution shall specify the rate at which, the date from which and the period of levy, if any, for which such tax or duty shall be levied.

(2) when the council shall have determined to levy any tax or duty for the first time or at a new rate, the commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.

(3) Any resolution abolishing an existing tax or duty or reducing the rate at which any tax or duty is levied shall not be carried into effect without the sanction of the <sup>6</sup>[State Government], but such sanction shall not be necessary for a resolution reducing the rate at which property tax is levied:

Provided that such reduction does not contravene the proviso to sub-section (2) of section 99.

(4) Where any resolution under this section has taken effect for a particular year, no proposal to alter the rates or the date fixed in such resolution so far as that year is concerned shall be taken into consideration by the council without the sanction of or a direction from the <sup>6</sup>[State Government]].

## THE PROPERTY TAX.

**99. Description and class of property tax.---** 7[ (1) If the council by a resolution determines that a property tax shall be levied, such tax shall be levied

- 
1. Inserted by the Adaptation Order of 1937.
  2. Substituted for "Part III of the Government of India Act, 1935" by the Adaptation (Amendment) Order of 1950.
  3. Substituted for the words "the central Legislature" by the Adaptation (Amendment) order of 1950.
  4. Inserted by section 53 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the words Fort St. George Gazette by the Adaptation Order of 1937.
  6. 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. Substituted for original sub-sections (1) and (2) by section 54 (i) if the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

on all buildings and lands within the city save those exempted by under this Act or any other law. The property tax may comprise---

(a) a tax for general purposes;

(b) a <sup>1</sup>[\*\*\*] drainage tax for the purpose of defraying the expenses connected with the <sup>1</sup>[\*\*\*] drainage system of the city ;

(c) a lighting tax for the purpose of defraying the expenses connected with the lighting of the city:

Provided that where the <sup>1</sup>[\* \* \*] drainage tax is levied the council shall declare what proportion of the tax is levied in respect of <sup>1</sup>[\* \* \*] drainage works and the proportion so declared shall also be specified in the notice published under sub-section (2) of section 98-A.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of the annual value of buildings and lands as may be fixed by the council :

Provided that the aggregate of the percentage so fixed shall not, in the case of any land or building, be less than 15<sup>1/2</sup> per cent, or greater than <sup>2</sup>[25] per cent of its annual value.]

(3) For the purpose of assessing the property tax, the annual value of any building or land shall be determined by the commissioner:

<sup>3</sup>[Provided that the annual value of any building or land the tax for which is payable by the commissioner shall be determined by the Mayor.]

**100. Method of assessment of property tax.----** (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances 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 <sup>4</sup>[at the time of assessment] reasonably be expected to let from month to month or from year to year <sup>5</sup>[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, a part from their sites and the adjacent lands

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1. Omitted the words “water and”, “water-works and the remainder shall be deemed to be levied in respect of ” by section 85 if the Chennai Metropolitan Water supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978)
  2. Substituted for the words and figures “20 per cent” by section 7 of the Tamil Nadu Local Authorities Finance Act. 1961 (Tamil Nadu Act 52 of 1961).
  3. Added by section 54 (ii) of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 55(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the words “less a deduction in the case of buildings only of ten per centum of such annual rent” by section 2(a) of the Tamil Nadu 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 Renacting 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 Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936) which originally amended this sub-section by inserting the words “in the case of buildings only”.

occupied as an appurtenance thereto] and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that----

<sup>1</sup>[(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 commissioner be estimated the annual value of the premises shall be deemed to be six percent of the total of the estimated market value of the land at the time of assessment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost, and]

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

<sup>3</sup>[Provided further that where the annual value of any land or building is attributable partly to the use of such land or building or any portion thereof for the display of any advertisement or advertisements and tax is levied under this Act in respect of such advertisement or advertisements, the annual value of such land or building for the purpose of assessing then property tax thereon shall be ascertained as if such land, building or portion is not used for the display of such advertisement or advertisements.]

<sup>4</sup>[(3) The <sup>5</sup> [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 to cases to which clause (a) of the first 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]

**101. General exemptions.---** The following buildings and lands shall be exempt from the property tax :--

(a) <sup>6</sup>[places] set apart for public worship and either actually so used or used for no other purposes;

- 
1. Substituted for original clause (a) by section 55 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 55 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Added by section 55 (iv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Added by section 2 of the Tamil Nadu City Municipal and District Municipalities (Second Amendment) Act, 1942 (Tamil Nadu Act XXXVI of 1942), re-enacted permanently by section 2 of, and the First schedule the Tamil re-enacting and Repealing (No.1) Act, 1948 (Tamil Nadu Act VII of 1948).
  5. Substituted for the word "provincial" by the Adaptation Order of 1950.
  6. Substituted for the word "buildings" by section 56 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



<sup>1</sup>[(b) choultries for the occupation of which no rent is charges and choultries the rent charges for the occupation of which is used exclusively for charitable purposes ;

(c) places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council ;

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

(e) charitable hospitals and dispensaries but not including residential quarters attached thereto ;

(f) such hospitals and dispensaries maintained by railway administrations as may from time to time be notified by the <sup>2</sup>[State Government], but not including residential quarters attached thereto ;]

<sup>3</sup>[(g)] burial and burning grounds included in the list published by the commissioner under section 321 (3) of this Act ;

<sup>3</sup>[(h)] the bed of the Cooum, the bed of the Adyar, the Buckingham canal, <sup>4</sup>[<sup>5</sup>(Government lands) set apart free for recreation purposes] <sup>6</sup>[and all such other <sup>7</sup>[Government property] (being neither buildings not land from which in the opinion of <sup>8</sup>[the State Government] and income could be derived) as may from time to time be notified by the <sup>2</sup>[State Government]]:

- 
1. Substituted for original clause (b) by section 56 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. 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. Original clauses (c), (d), and (e) were re-lettered as clauses (g), (h) and (i), respectively by section 56 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 56 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. The words “Crown lands” were substituted for the words “Government lands” by the Adaptation Order of 1937 and the “Government” was substituted for “Crown” by the Adaptation Order of 1950.
  6. Substituted for the words “and all such other property of Government not being buildings as may from time to time be notified by the Governor-in-Council with the consent of the Corporation” by section 56 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  7. The words “Crown property” were substituted for the words “property of Government” by the Adaptation-Order of 1937, and the word “Government” was substituted for “crown”, by the Adaptation Order of 1950.
  8. The words “The Provincial Government” were substituted for the words “the Government” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

<sup>1</sup>[Provided that <sup>2</sup>[the Government] <sup>3</sup>[does] not any income from such beds] ; and

<sup>4</sup>[(i)] <sup>5</sup>[any building or land the annual value of which is less than thirty-six rupees provided that the owner thereof is not liable to profession tax or income-tax and provided further that no other building or land is owned buy him or the aggregate annual value of all the buildings and lands owned by him is less than thirty-six rupees:]

<sup>6</sup>[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 person using the same for the purposes referred to in the said clauses.]

**102. Special exemptions and alternative bases of property tax.—**

<sup>7</sup>[The rates of property tax fixed by the council may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land but shall in no case decrease as the value of the building or land, increases. When a progressive rate has been adopted by the council, it shall prescribe the principle of classification (as that a certain sum which shall be tax free shall be deducted from the assessment to each building or land or that the progression shall be from a certain percentage in the lowest to a certain percentage in the highest class) and the precise number and limits of each class:]

Provided that—

(a) the council may, with the sanction of the <sup>8</sup>[State Government], exempt any local area from the whole or a portion of <sup>9</sup>[\* \* \*] drainage tax or of the lighting tax on the ground that <sup>10</sup>[such area is not deriving any or the full benefit] from the <sup>9</sup>[\* \* \*] drainage or from the lighting system ;

- 
1. Inserted by section 56 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the “the Government” by the Adaptation Order of 1937 and the word “Government” was substituted for “Crown” by the Adaptation Order of 1950.
  3. Substituted for the word “do” by the Adaptation Order pf 1937.
  4. Original clauses (c), (d) and (e) were re-lettered as clauses (g), (h) and (i), respectively by section 56 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for original clause (e) re-lettered as (i), by section 56 (iv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Added by section 2 (ii) of the Chennai City Municipal, District Municipalities and Local Boards (Amendment) Act, 1936 (Tamil Nadu Act XXI of 1939).
  7. Substituted for the words “The council shall levy the property tax at a uniform rate” by section 57(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  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. Omitted for “the water and”” “water-supply and” by section 85 of Tamil Nadu Act 28 of 1978.
  10. Substituted for the words “such areas are not deriving benefit” by section 57 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>1</sup>[ \* \* \* \* \* ]

<sup>1</sup>[(b) in the case of any which is not appurtenant to any building or which is occupied by or appurtenant to huts the commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at such rates as he may himself determine subject always to the following maxima per ground of land measuring two thousand and four hundred square feet :--

(i) for the <sup>2</sup>[\* \* \*] drainage tax – three rupees ;

(ii) for the lighting tax – one rupees ;

(iii) for the tax for general purposes—four rupees ;

<sup>1</sup>[(c)] in the case of the lands and buildings vested in the trustees of the port of <sup>3</sup>[Chennai], the property tax leviable in any year shall not exceed four per centum of the gross earnings made by the Port Trust in that year.

**103. Property tax, a first charge on property and movables.**—The property tax on buildings and lands shall, subject to the prior payment of the 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 such buildings or lands and belonging to the person liable to such tax.

<sup>4</sup>[**104. Property tax when payable.**—The property 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 fifteen days after commencement of the half year.]

<sup>5</sup>[**105. Vacancy remission.**—(1) When any building whether ordinarily let or occupied by the owner himself has been vacant and inlet for thirty or more consecutive days in any half-year, the commissioner 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 claim 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.

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1. Clause (b) was omitted and clauses (c) and (d) were re-lettered as clauses (b) and (c) respectively by section 57 (iii) of Tamil Nadu Act X of 1936.
  2. Omitted the words “the water and water supply and” by section 85 of the Tamil Nadu 28 of 1978.
  3. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.
  4. Substituted for original section 104 by section 58 of Tamil Nadu Act X of 1936.
  5. Substituted for original section 105 by section 59 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(3) (a) No claim for such remission shall be entertained unless the owner of the building or his agent has previously thereto delivered a notice to the commissioner—

(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.

(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.]

**106. Obligation of transferor and transferee to give notice of transfer.**—(1) Whenever the title of any person primarily liable to the payment of the 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 effected, give notice of such transfer to the commissioner.

(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 notice of such transfer to the commissioner 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 commissioner may direct and the transferee or the person to whom title passes, as the case may be, shall if so required, be bound to produce before the commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the commissioner shall <sup>1</sup>[in addition to any other liability which he may incur through such neglect] continue liable for the payment of the 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--

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1. Inserted section 60 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

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

(b) the prior claim of the corporation under section 103.

<sup>1</sup>[**107. Owner's obligation to give notice of construction or reconstruction or demolition of building.**—(1) (a) If any building in the city is constructed or re-constructed, the owner shall give notice thereof, to the commissioner 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-years, 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 in the proportionate to the number of days in that half-year preceding such date.

(2) (a) If any building in the city is demolished or destroyed, the owner shall, until notice thereof is given to the commissioner, be liable for the payment of the property tax for which he would have been liable 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 first two months of a half-years, 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 half-year succeeding the demolition or destruction, as the case may be.]

<sup>1</sup>[**108. Remission of tax in areas included or excluded in the middle of a half-year.**—(1) If any area is included in the city, the owner of every building or land in such area shall—

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1. Substituted for sections 107 and by section 61 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(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

(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 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 the city, 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 the half-year ; and

(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 commissioner with in three months from the date of the exclusion of the area in which the building or land is situated].

<sup>1</sup>**[108-A. Power of commissioner to condone omission to give notice.**—The commissioner may at his discretion condone omissions to give notice <sup>2</sup>[under sections 105, 106, 107 or 108], giving his reasons in writing for every such condonation.]

**109. Commissioner's power to call for information and to enter upon premises.**—(1) For the purpose of assessing the property tax, the commissioner may, by notice , call on the owner or occupier of any building or land to furnish him <sup>3</sup>[within thirty days after the service of the notice where the notice is served upon Government, a railway administration or a company and within fourteen days after such service in other cases] with returns of the rent payable for the building or land, the cost of erecting the building and the measurement or the land <sup>4</sup>[and with such other information as the commissioner may required], and every owner or occupier upon whom any 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.

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1. Inserted by section 61 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
  3. Substituted for the words “within a week after the service of the notice” by section 62 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 62 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) For the purpose aforesaid, the commissioner may enter, inspect, survey and measure any building or land, after giving twenty-four hours' notice to the owner or occupier.

#### TAX ON COMPANIES.

<sup>1</sup>[**110. Taxation of companies trading for sixty days in half-year on their capital.**—If the council by a resolution determine that a tax on companies shall be levied, every company which, after the date specified in the notice published under sub-section (2) of section 98-A transacts business within the city in any half-year for not less than sixty days in the aggregate shall pay, in addition to any licence fee that may be leviable under this Act, a half-yearly tax assessed in accordance with the rules in Schedule IV, but in no exceeding rupees one thousand :

Provided that any society, which is registered or deemed to be registered under the \*Tamil Nadu Co-operative Societies Act, 1932 (Tamil Nadu Act VI of 1932), and the paid-up capital of which is less than fifty thousand rupees and any other society registered or deemed to be registered under the same Act and any society registered under the <sup>2</sup>[Companies Act, 1956] and intended solely or the benefit of poor and destitute families, which on the recommendation of the commissioner the council may by resolution exempt from the payment of the tax on companies, shall not be liable to the tax on companies, but such society shall be liable to profession tax.]

<sup>3</sup>[**111 to 115-A.** Repealed].

#### TAX ON CARRIAGES AND ANIMALS.

**116. General provisions regarding tax on carriages and animals.**—<sup>4</sup>[(1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the commissioner shall levy the said tax half-yearly on carriages and animals kept within the city which are of the kinds specified in Part III of Schedule IV.]

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1. Substituted for original section 110 by section 63 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. The Words and the figures “Companies Act, 1956” were substituted for the words “Indian Companies Act” by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).
  3. Repealed by Tamil Nadu Act 24 of 1992.
  4. Substituted for original sub-section (1) by section 70 of Tamil Nadu Act X of 1936.
- \* Now the Tamil Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983).

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in Part III of schedule IV.

**117. 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 with in the city for an aggregate period of not less than sixty days in the half-year.

<sup>1</sup>[(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.]

<sup>1</sup>[(4)] Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the city for sixty days in the half-year.

<sup>1</sup>[(5)] Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation 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 by some other person.

**118. Exemptions.**—The carriage and animal tax shall not be levied on—

(a) carriages and animals belonging on the <sup>2</sup>[Government] ;

(b) carriages and animals belonging to members of the <sup>3</sup>[city police] or to officers or servants of the corporation employed on out-door duties :

<sup>4</sup>[Provided that the exemption under this clause shall extend only to a carriage or animals required to be kept by any such member, officer or servant for the discharge of his official duties];

(c) carriages and animals kept solely for sale by carriage-makers and dealers ;

(d) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year;

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1. Substituted for the proviso to sub-section (1) and original sub-section (2) and (3) were renumbered as (4) and (5) by section 71 Tamil Nadu Act X of 1936.

2. The word "Crown" was 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.

3. These words were substituted for the words "town police" by section 72 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. Substituted for the original proviso by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(e) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or disused animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

<sup>1</sup>[\* \* \*]

**119. Composition.**—With the sanction of the <sup>2</sup>[standing committee] or in accordance with regulations framed by that body, the commissioner may compound, for any period not exceeding one year, With any livery stable-keeper or other person keeping carriage and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

**120. Requisition on occupier to furnish statement of person liable to tax.**—(1) The Commissioner may be notice require the occupier of any premises to furnish him with a statement--

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and is liable to the carriage and animal tax ;

(b) Containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the municipal office within one week from the date of his receipt of the notice.

<sup>3</sup>**120-A. Forms to be sent to and returned by tax-payers.**—(1) The commissioner shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept by him as the commissioner considers necessary for the assessment of the tax.

(2) Such table shall be filled up with information in writing, signed and dated and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-section (2), the commissioner 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 commissioner such person is liable on account of the tax on carriages and animals.

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1. Omitted by section 72 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu X of 1936).
  2. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.
  3. Inserted by section 73 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**121. Grant of licence on payment of tax.**—When any person pays the amount of tax due to respect of any carriage or animal, the commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

<sup>1</sup>**[122. Power to require numbers to be affixed to carriages.**—(1) The Commissioner shall direct that a municipal number shall be affixed to every carriage kept within the city.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.]

**123. Obligation of Commissioner of Police to satisfy himself of payment of municipal tax on hackney carriage before registering it.**—Before registering any hackney carriage under the Tamil Nadu Hackney Carriage Act, 1911 (Tamil Nadu Act V of 1911), the Commissioner of Police shall satisfy himself that the corporation has received payment of the tax, if any, due under section 116 on account of the last preceding half-year and the current half-year.

#### **TAX ON CARTS.**

**124. General provisions regarding cart-tax.**—<sup>2</sup>[(1) If the council by a resolution determined that a tax shall be levied on carets, the commissioner shall levy the said tax half-yearly at the rate or rates (Which shall not exceed eight rupees per cart per half-year) fixed by the council and from the date specified in the notice published under section 98-A on all classes of carts kept within the city :

Provided that no person shall be liable to tax during any half-year on account of any cart in respect of which the tax for the same half-year has already been paid by some other person :

Provided further that in the case of single bullock-carts the tax shall not exceed four rupees half-yearly :

Provided also that in fixing the said rates, the council shall have regard to the extent of damage caused by different classes of carts to the road.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.]

(3) **Affixing number on carts.**—The commissioner may direct that a municipal number shall be affixed to every registered cart.

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1. Substituted for the original section 122 by section 53 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2. Substituted for original sub-sections (1) and (2) by section 75 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(4) **Notification of days of registration.**—The commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) **Entry or registration in book.**—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) **Inspection of register.**—Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

**125. Exemptions.**—Nothing in section 124 shall apply to—

(a) gun carriages, ordinance carts or wagons or other such property of the <sup>1</sup>[Government]; and

(b) carts kept solely for sale by cart-makers and dealers.

**126. Power to remit tax on cart kept for less than fifteen days or not used.**—The commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept <sup>2</sup>[\* \* \*] within the city for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a car-makers during the whole of the half-year.

#### **POWER TO SEIZE CARRIAGES AND CARTS NOT BEARING NUMBERS.**

**127. Seizure of vehicles not bearing numbers.**—If a municipal number is not affixed to a carriage or cart or cart in pursuance of a direction issued under section 122 or section 124, as the case may be, the commissioner 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 <sup>3</sup>[\* \* \*] or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

**128. Procedure after seizure.**—(1) If a vehicle or animals is detained under section 127 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of--

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1. The word “Crown” was substituted for the word “Government” by the Adaptation Order of 1937 and the word “Government” was substituted by “Crown” by the Adaptation Order of 1950.
  2. The words “or let out for hire” were omitted by section 76 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. The word “motor-bicycle” was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

(i) the tax, if any, due on the vehicle or animal sold ;

(ii) such penalty not exceeding the amount of the tax as the commissioner may direct ; and

(iii) the charges incurred in connection with the seizure, detention and sale.

(2) If there is a surplus after such payment, the commissioner shall, on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the corporation.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before 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 commissioner may direct ; and

(iii) the charges incurred in connection with the seizure and detention.

#### **TAX ON TIMBER.**

<sup>1</sup>[129. Tax on timber.—(1) If the council by a resolution determines that a tax shall be levied on timber brought into the city, such tax shall be levied at such rates, not exceeding five rupees per ton, and in such manner as may be determined by the council :

Provided that no tax shall be levied on any timber brought into the city in the course of transit to any place outside the city and directly removed out of the city by rail, road or water.

(2) No timber shall, except in the case referred to in the proviso to sub-section (1), be brought into the city unless the tax due thereon has been paid.

(3) The tax shall be levied on timber kept within the city for sale if the commissioner has reason to believe that the tax, if any, due thereon has not been paid :

Provided that the tax shall not be levied if the person keeping the timber for sale produces satisfactory proof of the previous payment of the tax thereon.

(4) The commissioner may call for the accounts of any person keeping timber for sale for the purpose of levying the tax under sub-section (3).

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1. Substituted for original section 129 by section 77 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(5) If the commissioner is satisfied that any person has willfully evaded the payment of tax leviable under this section, the commissioner may direct that such person shall, in addition to such tax, pay by way of penalty, a sum not exceeding the amount of such tax. Such penalty shall be recoverable in the same manner as the tax.

(6) The council may make by-laws for the seizure and sale of timber in respect of which the tax due is not paid and otherwise for carrying out all or any of the provisions relating to the levy of tax on timber.]

### <sup>1</sup>[TAX ON ADVERTISEMENT.]

<sup>1</sup>[129-A. Tax on advertisements.—Every person who erects, exhibits, fixed 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, <sup>3</sup>[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 council may, with the approval of the <sup>2</sup>[State Government], by resolution determine :

Provided that the rates shall be subject to the maxima and minima laid down by the <sup>2</sup>[State Government] in this behalf <sup>3</sup>[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 Corporation of <sup>4</sup>[Chennai], or

(c) of a candidature in respect of such an election :

Provided also that no such tax shall be levied on any 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 any effects therein or to any sale, entertainment or meeting to be held upon or in the same ; or

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1. Inserted by section 78 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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. Inserted by Tamil Nadu Act 51 of 1998.

4. Substituted for the word “Madras” by Tamil Nadu Act 28 of 1996.

(c) relates 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) relates to the business of any railway company ; or

(e) is exhibited within any railway station or upon any wall or other property of a railway company except any portion of the surface of such wall or property fronting any street.

**Explanation 1.**—The word ‘structure’ in this section shall include <sup>1</sup>[any vehicle and] any movable board on wheels used as an advertisement or an advertisement medium.

**Explanation 2.**—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 purpose of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purposes of any advertisement ; or

(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 ridge of a roof :

Provided that such board frame or other contrivance be of one continuous face and not open work and <sup>2</sup>[does not extend] in height more than three feet 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 company and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ; or

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1. The words “any vehicle and” were inserted by section 54 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2. Substituted for the words “do not extend” by section 4 of, and the Third Schedule to the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

(e) any notice of land or buildings to be sold, or let, placed upon such land or building.

**Explanation 3.**—“Public place” shall, for the purpose of this section, 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.]

<sup>1</sup>[**129-B. Prohibition of advertisements without written permission of commissioner.**—(1) No advertisement shall, after the levy of the tax under section 129-A has been determined upon by the council, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure within the city or shall be displayed in any manner whatsoever in any place without the written permission of the commissioner.

(2) The commissioner shall not grant such permission if—

(i) the advertisement contravenes any by-law made by the council under clause (28) of section 349 ; or

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2) in the case of an advertisement liable to the advertisement tax, the commissioner shall grant permission for the period to which the payment of the tax relates and no fee shall be charges in respect of such permission :

Provided that the provisions of this section shall no0t apply to any advertisement erected, exhibited, fixed o retained on the premises of a railway company, relating to the business of a railway company.]

<sup>1</sup>[**129-C. Permission of the commissioner to become void in certain cases.**—The permission granted under section 129-B shall become void in the following cases, namely :--

(a) if the advertisement contravenes any by-law made by the council under clause (28) of section 349 ;

(b) if any addition to the advertisement be made except for the purpose of making it secure under the direction of the Corporation Engineer ;

(c) if any material change be made in the advertisement or any part thereof ;

(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

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1. Inserted by section 78 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

retained if such addition or alteration involves the disturbance of the advertisement or any part thereof ; and

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

<sup>1</sup>[**129-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 129-A or section 129-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.]

<sup>1</sup>[**129-E. Removal of unauthorized advertisements.**—If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 129-A or section 129-B or after the written permission for the erection, exhibition, fixation or retention thereof for any period shall have expired or become void, the commissioner 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].

<sup>1</sup>[**129-F. Collection of tax on advertisements.**—The Commissioner may farm out the collection of any tax on advertisements leviable under section 129-A for any period not exceeding one year at a time on such terms and conditions as may be provided for by by-laws made under section 349.]

<sup>2</sup>[\* \* \*]

<sup>2</sup>[**130 TO 134.** Omitted]

## **DUTY ON TRANSFERS OF PROPERTY.**

<sup>3</sup>[**135. Method of assessment of duty on transfers of property.**—The duty on transfers of property shall be levied—

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1. Inserted by section 78 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted by Schedule 1 of the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
  3. Substituted by section 2 of the Tamil Nadu City Municipal, District Municipalities and Local Boards (Amendment) Act, 1950 (Tamil Nadu Act VII of 1950), for Section 135 as amended by section 79 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936) and section 2 enacted permanently by section 2 of, and in the First Schedule to, the Tamil Nadu Re-enacting and Repeating (No.1) Act, 1948 (Tamil Nadu Act VII of 1948).



(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, (Central Act II of 1899) as in force for the time being in the State of <sup>1</sup>[Tamil Nadu], on every instrument of the description specified below, which relates to immovable property situated within the limits of the city ; and

(b) at such rate as may be fixed by the State Government, not exceeding five per centum, on the amount specified below against such instrument :--

Description of Instrument.	Amount on which duty should be levied.
<sup>2</sup> [(i) Sale of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(ii) Exchange of immovable property.	The market value of the property of the greater value as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), the market value as so determined by such authority.
(iii) Gift of immovable property.	The market value of the property as set forth in the instrument, and in a case where the market value is finally determined by any authority under section 47-A of the Indian Stamp Act 1899 (Central Act II of 1899), the market value as so determined by such authority.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument].

**136. Provision applicable on the introduction of transfer duty.**—On the introduction of the transfer duty,--

(a) section 27 of the <sup>3</sup>[said Indian Stamp Act] shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within and without the city,

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1. Substituted for the word “Madras” by Adaptation of Laws Order, 1969.

2. Substituted by President’s Act 22 of 1976.

3. Substituted for the word and figure “Indian Stamp Act, 1899” by section 80 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(b) section 64 of the <sup>1</sup>[same Act] shall be read as if it referred to the corporation as well as the Government.

**137. Power to make rules regarding assessment and collection of transfer duty.**—The <sup>2</sup>[State Government] may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the corporation and the deduction of any expenses incurred by the Government in the collection thereof.

### <sup>3</sup>[GENERAL PROVISIONS.]

<sup>3</sup>[**137-A. Power to exempt from taxes.**—with the sanction of the <sup>2</sup>[State Government] the council may exempt any person or class of person wholly or in part from the payment of any tax. But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a councilor <sup>4</sup>[\* \* \*].

<sup>5</sup>[**137-B. Power to assess in case of escape from assessment.**—Notwithstanding anything to the contrary contained contained in this Act or the rules made thereunder, if for any reason any person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any half-year or year, <sup>6</sup>[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 <sup>7</sup>[six years] from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax of fee due and 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].

**138. Rules in Schedule IV.**—The rules and table embodied in Schedule IV shall be read as part of this Chapter.

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1. Substituted for the words and figures “Indian Stamp Act 1899” by section 80 (ii), of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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. Inserted by section 81 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. The words “or an alderman” were omitted by section 2 of the Madras City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  5. Inserted by section 81 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act XXIV of 1936).
  6. Inserted by section 55 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  7. Inserted by Tamil Nadu Act 3 of 1997.

## **<sup>1</sup>CHAPTER V –A.**

### **TAX ON PROFESSION, TRADE, CALLING AND EMPLOYMENT.**

**138-A. 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 Corporation limit even though its headquarters may be outside the Corporation limit ; and

(iii) a person engaged in any employee by an 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 1<sup>st</sup> day of April to the 30th day of September and from the 1<sup>st</sup> day of October to the 31<sup>st</sup> 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 ;

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1. Chapter V-A (sections 138-A to 138-I) was inserted by Tamil Nadu Act 59 of 1998.

(f) "tax" means the tax on profession, trade, calling and employment levied under this Chapter.

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

(2) Every company which transacts business and every person, who is engaged actively or otherwise in any profession, trade calling or employment within the city 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 :

THE TABLE

Sl.No (1)	Average half-yearly in come (2)		Half-yearly tax (3)
	From Rs.	To Rs.	
1	Upto 21,000	-----	Nil
2	21,001	30,000	60
3	30,001	45,000	150
4	45,001	60,000	300
5	60,001	75,000	450
6	75001 and above	-----	600

**NOTES**

According to sub-section (13) of section 138-B of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the rate of tax specified under sub-section (2) shall be revised by the 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. By virtue of this provision, the Municipal Corporation Council has increased the professional tax specified in the above Table as follows –vide circular No 134/2002, dated 17<sup>th</sup> May 2004 of the Chennai City Municipal Corporation.

THE TABLE

Sl No (1)	Average Half-Yearly income (2)		Present Half Yearly tax (3)	Rate of increase (4)	Increased Half Yearly tax from 1-10-2003 (5)
	From	To			
		Rs.	Rs.	%	Rs.
1	Upto 21,000	--	--	--	--
2	21,001	to 30,000	60-00	25%	75-00
3	31,001	to 45,000	150-00	25%	188-00
4	45,001	to 60,000	300-00	30%	390-00
5	60,001	to 75,000	450-00	30%	585-00
6	75,001 and above		600-00	35%	810-00

(3) The rate of tax payable under sub-section (2) shall be published by the Commissioner in such manner as may be prescribed.

(4) Where a company or person 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, such company or person 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.

(6) Where a person doing the same business in the same name in one or more places within the city, the income of such business in all places within the city shall be computed for the purpose of levy of tax and such person shall pay the tax in accordance with the provisions of this Chapter.

(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 be 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 association :

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 salary or wage shall furnish to the commissioner 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 commissioner 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 the 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 commissioner to be incomplete or incorrect, the commissioner shall, after making such enquiry as he may consider necessary, assess such person to the best of his judgement :

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 commissioner may, on an application made by the person accompanied by such fee as may be fixed by the 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 this returns to, or correspondence with the Commissioner ;

(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 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.

**138-C. Employers liability to deduct and pay tax on behalf of the employees.**—The tax payable by any person earning a salary or wage 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 shall discharge the said liability.

**138-D. Filing of returns by employer.**—(1) Every employer liable to pay tax under this Chapter shall file a return to the commissioner, 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.

**138-E. Assessment of the employer.**—(1) The commissioner, if satisfied that any return filed by any employer under sub-section (1) of section 138-D is correct and complete, shall accept the return.

(2) where an employer has failed to file any return under sub-section (1) of section 138-D within the time or if the return filed by him appears to the commissioner to be incorrect or incomplete, the commissioner shall, after making such enquiry as he considers necessary, determine the tax due and assess the employer to the best of this judgment and issue a notice of demand for the tax so assessed :

Provided that before assessing the tax due, the commissioner shall give the employer a reasonable opportunity of being heard.

**138-F. Penalty and interest.**—(1) In addition to the tax assessed under sub-section (11) of section 138-B or sub-section (2) of section 138-E in the case of submission of incorrect or incomplete return, the commissioner 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.

**138-G. Appeal.**—(1) Any person or employer aggrieved by any order or decision of the commissioner 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 Tribunal.

(2) The decision of the Taxation Appeals Tribunal 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.

**138-H. Exemption.**---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 XLVI 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 :

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

**138-I. 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 city, 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 1<sup>st</sup> day of April, 1992 and ending with the 30<sup>th</sup> 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 138-B 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 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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## CHATER VI

### Finance.

#### THE MUNICIPAL FUND.

**139. Definition of Municipal fund.**— All monies received by the corporation shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of in accordance with provisions of this Act, <sup>1</sup>[or other laws.]

**140. Audit of accounts.**---The <sup>2</sup>[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.

**141. Financial rules.**—With regard to the deposit, investment and expenditure of the municipal fund and the audit of the Municipal accounts, the rules in Schedule V shall be observed.

<sup>3</sup>**[141-A. Contributions to expenditure by other local authorities.**--- (1) If the expenditure incurred by the <sup>2</sup>[State Government] or by any local authority in the Presidency of Madras for any purpose authorized by or under Schedule V is such as to benefit the inhabitants of the city, the council may make a contribution towards such expenditure.

(2) The <sup>2</sup>[State Government] may direct the council to show cause, within a period fixed by the <sup>2</sup>[State Government] in this behalf and not being less

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1. Added by section 82 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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. Inserted by section 83 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

than one month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the council fails to show cause within the said period to the satisfaction of the <sup>1</sup>[State Government], the <sup>1</sup>[State Government] may direct it to make such contribution as they shall name and it shall be paid accordingly]

## LOANS.

**142. Power of corporation to borrow money.**—(1) The council may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, <sup>2</sup>[\* \* \*] fees and dues authorized by or under this Act, any sums of money which may be required---

(a) for the construction of works, <sup>3</sup>[or]

(b) for the acquisition of <sup>4</sup>[ lands and buildings], or

<sup>5</sup>[(c) for slum clearance and construction of tenements], <sup>3</sup>[or]

<sup>5</sup>[(d) to pay off any debt due to the Government, or

<sup>5</sup>[(e)] to re-pay a loan previously raised under this Act or other Act previously in force :

<sup>6</sup>[Provided that----

(i) no loan shall be raised without the previous sanction of the <sup>1</sup>[State Government] <sup>7</sup>[\* \* \*] and

(ii) the amount of the loan, the rate of interest and the terms including the date of flotation, the time and method of re-payments and the like shall be subject to the approval of the <sup>1</sup>[State Government] <sup>8</sup>[\* \* \*].

(2) When any sum of money has been borrowed under sub-section (1),--

(a) no portion thereof shall without the previous sanction of the <sup>1</sup>[State Government] be applied to any purpose other than that for which it was borrowed, 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 word "tolls" was omitted by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
  3. The word "or" was added at the end of clauses (a) and (c) by section 3 of, and the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
  4. Substituted for the word "Land" by section 84(1) (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. New clause (c) was inserted, and the original clauses (c) and (d) were relettered as clauses (d) and (e) by section 84(1) (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. substituted for the original proviso by section 84 (1) (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  7. The words "or without previous publication of the application under the Local Authorities Loans Act, 1914, and the rules issued thereunder" omitted by Tamil Nadu Act 15 of 1965.
  8. The Words "and where the loan exceeds twenty-five lakh of rupees, also of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

(b) <sup>1</sup>[no portion of any sum of money borrowed under clause (a) or clause (c) of sub-section (1)] shall be applied to the payment of salaries or allowances to any municipal officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

**143. Time for re-payment of money borrowed under section 142.—**

The time for the re-payment of any money borrowed under section 142 shall in no case exceed sixty years, and the time for the repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of the <sup>2</sup>[State Government], extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

**144. Limit of borrowing powers.---**

Notwithstanding anything hereinbefore contained, the borrowing powers of the corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and re-payment of any sums borrowed otherwise shall not, except with the express sanction of the <sup>2</sup>[State Government], exceed twelve and a half percent of the annual value of buildings and lands as determined under Chapter V.

**145. Form and effect of debentures.---**

All debentures issued under this Chapter shall be in such form as the council, with the previous sanction of the <sup>2</sup>[State Government], may determine, and shall be transferable in such manner as shall be therein expressed ; and the right to sue in respect of the money secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

**146. Payment to survivors of joint payees.---**

When any debenture or security issued under this Act is payable to two or more persons jointly and either or any of them dies, then, notwithstanding anything in section 45 of the Indian Contract Act, 1872, the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

**147. Receipt by joint holder for interest or dividend.---**

When two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the corporation by any other of such persons.

**148. Maintenance and investment of sinking funds.---**

(1) The Corporation shall maintain sinking funds for the re-payment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the re-payment within the period fixed for the loan of all moneys borrowed on debentures issued.

(2) All money paid into the sinking funds shall, as soon as possible, be invested <sup>1</sup>[by the commissioner] in---

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1 Substituted for the words figure, letter and brackets 'no portion of any sum of money borrowed under sub-section (1), clause (a) by section 84(2) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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.

- (a) Securities of <sup>2</sup>[the Central or the State Government], or
- (b) Securities guaranteed <sup>3</sup>[by the Central or the State Government], or
- <sup>4</sup>[(c) <sup>5</sup>[Chennai], <sup>6</sup>(Calcutta\* and Bombay\* municipal debentures)]
- <sup>7</sup>[(or)
- <sup>7</sup>(d) fixed deposit in any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 ( Central Act V of 1970)]

and shall be invested in the joint names of <sup>8</sup>[the Secretary to the Government or <sup>9</sup>[Tamil Nadu], Finance Department] and the <sup>10</sup>[Examiner of Local Fund Accounts, <sup>9</sup>[Tamil Nadu], to be held by them as trustees for the purpose of re-paying at due date the debentures issued by the corporation. <sup>11</sup>[Every such investment shall be reported by the commissioner to the council within fifteen days.]

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) When any part of a sinking fund is invested in <sup>5</sup>[Chennai] municipal debentures, or is applied in paying off any part of a loan before the period fixed for re-payment, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner laid down in sub-section (2).

(5) Any investment made under this section may, subject to the provisions of sub-section (2), be varied or transposed.

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- 1 Substituted for the words “Under the orders of the council” by section 85 (i) of the Chennai City municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
- 2 The words “the Central or the provincial Government” were substituted for the words “the Government of India” by the Adaptation Order of 1937 and the words “State” was substituted for “Provincial” by the Adaptation Order of 1950.
- 3 The words “by the Central or the Provincial Government” were substituted for the words “by the Government” by the Adaptation Order of 1937 and the words “State” was substituted for “Provincial” by the Adaptation order of 1950.
- 4 Substituted for original clause (c) by section 85 (iii) of the Chennai City Municipal (Amendment) Act, 1936(Tamil Nadu Act X of 193).
- 5 Substituted for the words “Madras” by Tamil Nadu Act 28 of 1996.
- 6 Substituted for the words “Calcutta’ Bombay and Karachi Municipal debentures” by the Adaptation (Amendment) order of 1950.
- 7 Added by Tamil Nadu Act 42 of 1974.
- 8 Substituted for the words “the Chief Secretary to the Government of Madras” by section 2 of the Chennai City Municipal (Amendment) Act, 1924 (Tamil Nadu Act IV of 1924).
- 9 Substituted by Adaptation of laws order, 1969.
- 10 The words “ Examiner of local Fund Accounts, Madras” were substituted for the Words “Accountant General of Madras” by section 56 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

11 Added by section 85(iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

- Now renamed as kolkata and Mumbai.

**149. Application of sinking fund.**---(1) The aforesaid trustees may apply a sinking fund or any part thereof or in towards the discharge of the loan or part of

a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose :

Provided that when any loans or parts thereof have been consolidated under section 151, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

**150. Annual statement by trustees.**---(1) The aforesaid trustees shall, at the end of every year, submit to the corporation, a statement showing ---

(a) the amount which has been invested during the year under section 148,

(b) the date of the last investment made previous to the submission of the statement,

(c) the aggregate amount of the securities then in their hands, and

(d) the aggregate amount which has up to the date of the statement

been applied under section 149 in or towards discharging loans.

**151. Power of corporation to consolidate loans.**---(1) Notwithstanding anything to the contrary contained in this Chapter, the corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the municipal consolidated loan, 19') and invite the holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the <sup>1</sup>[State Government].

(3) The period for the extinction of any such consolidated loan shall not without the sanction of the <sup>1</sup>[State Government] extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in section 148 having regard to the amount transferred to such sinking fund under section 149.

**152. Priority payments for interest and re-payment of loans over other payment.**---All payments due from the corporation for interest on, and repayment of, loans shall be made in priority to all other payments due from the corporation.

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<sup>1</sup> The words "Provincial 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.

**153. Attachment of municipal fund for recovery of money borrowed from Government.**—(1) If any money borrowed by the corporation from the Government, whether before or after the commencement of this Act, or any interest or cost due in respect thereof, be not repaid according to the conditions of the loan, the <sup>1</sup>[State Government] may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the <sup>1</sup>[State Government] shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs, due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law: but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt to the Government.

#### **BUDGET.**

<sup>2</sup>**[154. Estimates of expenditure and income to be prepared annually by the commissioner.**—(1) The commissioner shall, in consultation with the heads of departments of the corporation, prepare and submit to the standing committee on taxation and finance on or before the first day of January each year, a budget containing a detailed estimate of income and expenditure for the ensuing year, and if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall, submit his proposals in regard thereto; and the standing committee on taxation and finance shall in consultation with the other standing committees consider and finalise the budget estimate and submit the same with its recommendations, if any to the council on or before the twentieth day of January, of each year.

(2) In Such budget estimate, the commissioner shall---

(a) provide for the payment as they fall due of all instalments of principal and interest for which the corporation may be liable on account of loans;

(b) allow for a cash balance, at the end of the year, of not less than one lakh and fifty thousand rupees under General Account – Revenue;

(c) allow for the allotment from General Account --- Revenue of the corporation of such sum not exceeding ten per cent of the total amount at credit on the said account as is considered necessary for such expenditure as is of a capital nature :

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1 The words “Provincial 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.

2 Substituted by Tamil Nadu Act 22 of 1971.

Provided that no such allotment from the General Account –Revenue of the corporation shall be made by the commissioner in case where the said account of the year immediately preceding the year for which such allotment is proposed discloses a deficit balance:

Provided further that in all cases, where allotment of any sum exceeding ten per cent of the total amount at credit in the General Account-Revenue of the corporation is considered necessary, than, the previous approval of the State Government for such allotment shall be obtained by the commissioner.

(3) The commissioner shall cause the budget estimate as finally prepared by the standing committee on taxation and finance to be published not later than the first day of February and shall, not later than the said date forward a printed copy thereof to each councillor.

**155. Consideration of the budget estimate by the council.**—The council shall at its meeting to be convened for the purpose on or before the first day of March, consider and approve on or before the fifteenth day of March, the budget estimate and proposals placed before it by the standing committee on taxation and finance with or without modifications and additions; and in any case the council shall finally adopt a budget estimate of income and expenditure of the corporation for the next year, as finalized by the standing committee on taxation and finance, on or before the said date.

**156. Procedure of council.**---The council may refer the budget estimate back to the standing committee on taxation and finance for further consideration and resubmission within a specified time well in advance of the due date specified in section 155 or adopt the budget estimate or any revised budget estimate submitted to it either as it stands or subject to such alterations as it deems expedient:

Provided further the budget estimate finally adopted by the council shall make adequate and suitable provisions for each of the matters referred to in clauses(a) to (c) of sub-section (2) of section 154:

Provided further that in all cases, where the council proposes to refer the budget estimate back to the standing committee on taxation and finance for reconsideration, the council shall refer the said budget estimate to the said standing committee well in advance of the due date specified in section 155 so as to ensure that the budget estimate as finalised by the said standing committee is finally adopted by the council before the date specified in the said section.

**157. Obligation to pass the budget before the fifteenth day of March of the year.**---The council shall finally pass the budget estimate before the fifteenth day of March of the year to which it relates and forthwith submit a copy thereof to the State Government. If the budget as submitted to the state Government fails to make adequate and suitable provision for each of the matters referred to in clauses (a) to (c) of sub-section (2) of section 154, the Government may modify any part of the budget so as to ensure that such provisions are made.

**158. Failure of the council to pass the budget before the due date.---**

Notwithstanding anything contained in this Act, if the council in any case fails to adopt finally the budget before the due date referred to in section 157 and if such failure, is in the opinion of the State Government, not due to any valid reason, then, the State Government may direct the commissioner to forward the budget as prepared by him and as finalised by the standing committee on taxation and finance, to them for approval; and the commissioner shall forthwith forward the budget as prepared by him and as finalised by the said standing committee to the State Government who shall scrutinise the budget and intimate their approval to the commissioner on or before the first day of April of the year.]

**159. Council may pass supplement budget.---**The council may, on the recommendation of the <sup>1</sup>[standing committee], from time, during any year pass a supplemental budget estimate for the purpose of meeting, any special or unforeseen requirements arising during that year, but not so that the estimated cash balance <sup>2</sup>[under general Account-Revenue] at the close of the year shall be reduced below <sup>3</sup>[one lakh and fifty thousand rupees].

<sup>4</sup>[160. Omitted].

**161. Reduction of transfer of budget grants.---**(1) The <sup>1</sup>[standing committee], may if it thinks necessary, at any time during the year---

(a) reduce the amount of a budget grant ; or

(b) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant :

Provided that---

(i) due regard shall be had, when making by such reduction or transfer, to all the requirements of this Act ;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the council shall not be increased except by the council under section 159 ;

(iii) every such reduction or transfer shall be brought to the notice of the council at its next meeting.

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1 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

2 Inserted by section 89 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Substituted for the words “one lakh of rupees” of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4 Omitted by Section 90 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(2) If any such reduction or transfer is of an amount exceeding Rs.500, the council may pass with regard thereto, such order as it thinks fit, and it shall be incumbent on the <sup>1</sup>[standing committee] and the commissioner to give effect to the said order.

**162. Readjustment of income and expenditure to be made by the corporation during the course of the official year whenever necessary.---**(1) If it shall at any time during any year appear to the council, upon the representation of the <sup>1</sup>[standing committee] that, notwithstanding any reduction of budget grants that may have been made under section 161, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than <sup>2</sup>[one lakh and fifty thousand rupees under General Account –Revenue], it shall be incumbent on the council either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act, or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than <sup>2</sup>[one lakh and fifty thousand rupees under General Account –Revenue] at the close of the year.

(2) whenever the council determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in Chapter V.

### <sup>3</sup>[FINANCE COMMISSION.

**162-A. Constitution of Finance Commission.---**(1) The Finance Commission referred in Article 243 –I of the Constitution shall also review the financial position of the Corporation and make recommendations, to the Governor as to,----

(a) the principles which should govern,---

(i) the distribution between the State Government and the Corporation 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 corporation of their respective shares of such proceeds ;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or appropriated by the corporation ;

(iii) the grants –in-aid to the corporation from the Consolidated Fund of the State ;

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1 Substituted for “Central committee” by Tamil Nadu Act 22 of 1971.

2 Substituted for the words “One lakh of rupees of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Act X of 1936).

3 The heading and section 162-A were inserted by the Tamil Nadu Municipal Corporation laws (Amendment and Special Provisions) Act, (Tamil Nadu Act 26 of 1994).

(b) the measures needed to improve the financial position of the corporation;

(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the corporation .

(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.]

**PART IV**

**Public Health, Safety and  
Convenience**

## CHAPTER VII.

### Water –Supply, lighting and Drainage.

#### PUBLIC WATER-SUPPLY.

<sup>1</sup>[163 to 173—omitted]

#### LIGHTING.

**174. Provision for lighting public street, etc.**---The commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the corporation by electricity, gas oil, or such other illuminant as the council may determine.

#### PUBLIC DRAINAGE.

**175. Vesting of drains in corporation.**---All public drains, pipes and drainage works existing at the time of the coming into operation of this Act of afterwards made at the cost of the corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the corporation.

**176. Maintenance of system of drainage by the corporation.**--- The corporation shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the city.

<sup>1</sup>[177 to 181 – omitted]

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<sup>1</sup> Omitted by section 85 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).

**182. Construction of culverts by owner or occupier.**---(1) The commissioner 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) Such culverts or drain –coverings shall be <sup>1</sup>[of such form and size and consist of such materials and be provided with such means of ventilation] as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

**183. 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 commissioner, 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 commissioner may allow.

#### PUBLIC LATRINES.

**184. Provision of public latrines.**—The corporation shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

**185. Licensing of public latrines.**—(1) The commissioner may license for any period not exceeding one year the provision and maintenance of latrines for public use.

(2) No person shall keep a public latrine without a licence under sub-section (1).

(3) Every licensee of a public latrine shall maintain it clean and in proper order.

#### PRIVATE LATRINES.

<sup>2</sup>**186. Provision of latrines by owner or occupier.**—(1) The commissioner may, by notice, require the owner or occupier of any building, within such time and in accordance with such directions as may be specified therein, to provide flush-out or other latrines for the use of the persons employed in or about or occupying such building or alter or remove from an unsuitable to more suitable place any existing latrine. Such owner or occupier shall keep every such latrine clean and in proper order.

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1 Substituted for the words “of the form and size and consist of such materials” by section 100 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Submitted by section 101 of Tamil Nadu Act X of 1936.

(2) Every owner or occupier of the ground on which any block of huts stand shall, within such time and in accordance with such directions as may be specified in a notice issued by the commissioner, provide flush-out or other latrines for the use of the inhabitants of such block of huts or alter or remove from an unsuitable to a more suitable place any existing latrine and shall keep the same clean and in proper order.]

**187. Provision of latrines and urinals for labourers.**—Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed <sup>1</sup>[flush-out or other latrines] of such description and number as the commissioner may, by notice, require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

**188. Provision of latrines and urinals for markets, cart-stand and cattle-stands.**—The commissioner may, by notice, require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, railway station, dock, Wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex <sup>1</sup>[flush-out or other latrines] of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

**189. Latrines to be screened from view.**—All <sup>1</sup>[flush-out or other latrines] shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

#### GENERAL POWERS.

**190. Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.**—The commissioner may carry any cable, wire, pipe, drain <sup>2</sup>[xxx] channel of any kind to establish, <sup>2</sup>[xxx] maintain any system of drainage, water-supply, <sup>2</sup>[xxx] lighting, through, across, under, <sup>2</sup>[xxx] over any road, street <sup>2</sup>[xxx] place laid out for a road or street and after giving reasonable notice to the owner, occupier through, across, under, over, <sup>2</sup>[xxx] up the side of, any land <sup>2</sup>[xxx] building in the city, and may place and maintain posts, poles, standards, brackets <sup>2</sup>[xxx] other contrivances to support cable, pipes, channels, wires and lights <sup>2</sup>[xxx] and pole <sup>2</sup>[xxx] post in the city not <sup>3</sup>[vested in the <sup>4</sup>[Government] <sup>5</sup>[\* \* \*] and may do all acts necessary <sup>2</sup>[xxx] expedient for repairing <sup>2</sup>[xxx] maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket <sup>2</sup>[xxx] other similar contrivance in an effective state for the purpose for which it is intended to

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1. Substituted for the word “latrines” by section 102 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted for “or” by section 85 of Tamil Nadu Act 28 of 1978.
  3. Substituted for the words “owned by the Government of India” by the Adaptation Order of 1937.
  4. Substituted for the word “Crown” by the Adaptation Order of 1950.
  5. Omitted for the words “and under the control of the Central Government” by Adaptation (Amendment) Order of 1950

used <sup>1</sup>[\* \* \* ] 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 commissioner shall, with the sanction of the <sup>2</sup>[standing committee], pay compensation to any person who sustains damage by the exercise of such power.

**191. Prohibition against making connection without permission.—**

(1) No person shall, without the permission of the commissioner, make any connection with any municipal cable, wire, pipe, drain or channel. <sup>3</sup>[\* \* \*]

(2) The commissioner may, by notice, require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

**192. Power to require railway level, etc., to be raised or lowered.—**If the corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the city across a line of railway, they may, with the sanction of the <sup>4</sup>[State Government] and at the cost of the municipal fund, require the railway administration concerned to raise or lower the level thereof.

**193. Powers of corporation in respect of works outside the city.—**

(1) The corporation shall not undertake new works beyond the limits of the city without the sanction of the <sup>4</sup>[State Government.]

(2) The corporation may, in the execution and for the purposes of any works beyond the limits of the city sanctioned by the <sup>4</sup>[State Government] whether before or after the passing of this Act, exercise all the powers which they may exercise within the city throughout the line of country which conducts, channels, pipes, lines of posts and wires and the like run <sup>5</sup>[xxx] roots connected with the drainage of the city.

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1. Omitted the word “or” by Tamil Nadu Act 28 of 1978.
  2. Substituted for “Central Committee” by the Tamil Nadu Act 22 of 1971.
  3. Omitted for “of with the house-connection of any other person” by section 85 of Tamil Nadu Act 28 of 1978.
  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. Omitted for “and over or necessary is sewage farms sewage disposal tanks, filter and other” by section 85 of Tamil Nadu Act 28 of 1978.

## CHAPTER VIII.

### Scavenging.

<sup>1</sup>[194. Provision for removal of rubbish and filth.—(1) The commissioner shall—

(i) provide or appoint in proper and convenient situations, depots or places for the temporary deposit of rubbish and filth and for the final disposal of rubbish, filth and carcasses of animals ;

(ii) provide dust-bins for the temporary deposit of rubbish;

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

(iv) provide covered vehicles or vessels for the removal of filth.

(2) The commissioner shall make adequate provision for preventing the depots, places, dust-bins, vehicle and vessels referred to in sub-section (1) from becoming sources of nuisance].

**195. Public notice ordering deposit of rubbish and filth by occupier.**—(1) The commissioner may, with the previous sanction of the <sup>2</sup>[standing committee], by public notice direct that all rubbish and filth accumulating in any premises in any street or quarter of the city specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle, of the kind specified in such notice, to be provided by such owner or occupier and kept at or near the premises.

(2) The commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under section 197 has been entered into, shall be collected by

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1. Substituted by section 104 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Substituted for “Central committee” by Tamil Nadu Act 22 of 1971.



the owner or occupier and deposited in municipal carts.

(3) The commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance, which is situated within fifty yards of any such receptacle, shall be collected by the owner or occupier of such premises and deposited in such receptacle.

**196. Removal of rubbish and filth accumulating in large quantities on premises.**—When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under section 195, the commissioner may--

(a) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice to a depot or place provided or appointed under section 194 ; or

(b) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be removed, and charge the said owner or occupier for such removal, such periodical fee as may, with the sanction of the <sup>1</sup>[standing committee] be specified in the notice issued under clause (a).

**197. Contract with owner or occupier for removal of rubbish and filth.**—The commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the commissioner, and on payment of fees at such rate as the council may determine.

**198. Provision for daily cleansing of streets and removal of rubbish and filth.**—The commissioner shall provide--

(a) for the daily surface-cleansing of all public streets and the removal of the sweepings therefrom, and

(b) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under section 194 for the temporary deposit of any of the things specified therein, and

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1. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 195.

**199. Rights of property of corporation in things deposited in receptacles.**—All things deposited in depots or place provided or appointed under section 194 shall be the property of the corporation.

**200. Directions as to removal of rubbish and filth.**—In cases not provided for by any notice issued under section 196, the commissioner shall, with the sanction of the <sup>2</sup>[standing committee] lay down--

(a) the hours within which rubbish and filth may be removed.

(b) the kind of cart or other receptacle in which rubbish and filth may be removed, and

(c) the route by which such carts or other receptacles shall be taken.

**201. Maintenance of establishment for removal of rubbish and filth.**—The corporation shall maintain an establishment under the control of the commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

**202. Prohibition against accumulation of rubbish or filth on premises.**—(1) No person who is bound by any notice issued under section 195 or section 196, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same to accumulate for more than twenty-four hours.

(2) **Prohibition against Irregular methods of depositing rubbish or filth.**—No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under section 195 or section 196, as the case may be.

<sup>2</sup>(3) **Prohibition of improper disposal of carcasses, rubbish and filth.**—No person shall after due provision has been under section 194 and 198 for the deposit and removal of the same—

(a) deposit the carcasses of animals, rubbish or filth in any street or on the veranda of any building or on any unoccupied ground alongside any street or on any public quay, jetty or landing place or on the bank of a water course of tank ; or

(b) deposit filth or carcasses of animals in any dust-bin or in any vehicles not intended for the removal of the same ; or

(c) deposit rubbish in any vehicle or vessel intended for the removal of filth except for the purpose of deodorizing or disinfecting the filth.]

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1. Substituted for “circle committee concerned” by Tamil Nadu Act 22 of 1971.

2. Substituted for the original sub-sections (3) and (4) by section 105 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>1</sup>**[(4) Prohibition against keeping rubbish or filth for more than twenty-four hours or in unauthorized place or manner.]—No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in receptacle approved by the commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the commissioner or fail to comply with any requisition of the commissioner as to the construction, repair, paving or cleaning of any latrine on or belonging to the premises].**

<sup>1</sup>**[(5) Prohibition against allowing sewage to flow in streets.]—No owner or occupier shall allow the water of any sink, drain, or latrine or the drainage from any stable or place or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain].**

<sup>2</sup>**[202-A. Contributions from persons having control over places of pilgrimage, etc.]—Where a mosque, temple, mutt or any place of religious worship or institution or any place which is used for holding fairs, festivals or other like purposes in the city or in its neighbourhood, attracts on particular occasions, a large number of persons, the commissioner shall make special arrangements whether permanent or temporary which may be necessary in the interests of public health, safety or convenience and require the trustee or other person having control over such place to make such recurring or not-recurring contribution to the funds of the corporation as the <sup>3</sup>[State Government] may determine.]**

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1. Original sub-sections (5) and (6) were renumbered as sub-sections (4) and (5), respectively by section 105 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Inserted by section 106 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

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

## CHAPTER IX.

### Streets.

#### PUBLIC STREETS.

<sup>1</sup>[203. Vesting of public streets and their appurtenances in corporation.—(1) All public streets in the city not reserved under the control of <sup>2</sup>[the Central or the State Government], with the pavements, stones and other materials thereof, and all works, materials implements and other things provided for such streets, all <sup>3</sup>[\* \* \*] drains, drainage works, tunnels and culverts, whether made at the cost of the municipal funds or otherwise, alongside or under any street, whether public or private, and all works, materials, implements and other things appertaining thereto and all trees not being private property growing on public streets or by the side thereof, shall vest in the corporation.

(2) The <sup>4</sup>[State Government] may, by notification, withdraw any such street <sup>3</sup>[drain, drainage work, tunnel, culvert, free from the control of the corporation.]

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1. Substituted for original section 203 by section 107 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. The words ‘the Central or the Provincial Government’ were substituted for the words ‘the Government’ by the Adaptation Order of 1937 and the word ‘State’ was substituted for ‘Provincial’ by the Adaptation Order of 1950.
  3. Omitted for ‘sewers’ by section 85 of Tamil Nadu Act 28 of 1978.
  4. The words ‘Provincial Government’ were substituted for the words ‘Local Government’ by the Adaptation Order of 1937 and the word ‘State’ were substituted for ‘Provincial’ by the Adaptation Order of 1950.

**<sup>1</sup>204 Maintenance and repair of streets.**—The corporation shall cause the public streets to be maintained and repaired and make all improvements thereto which are necessary or expedient for the public safety or convenience.

**205. Powers of authorities in regard to streets.**—(1) The commissioner may, subject always to such sanction as may be required under Chapter IV.—

(a) layout and make <sup>2</sup>[new public streets] ;

(b) construct bridges and sub-ways ;

<sup>1</sup>(c) turn, divert, or with the special sanction of the council and the <sup>3</sup>[State Government], permanently close any public street or part thereof ;

(c) 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 acquired for or affected by any such purposes.

<sup>4</sup>(3) In determining such compensation, allowance shall be made for any benefit accruing to the owner or occupier concerned, from the construction or improvement made by the commissioner.]

**<sup>1</sup>206. Power to dispose of permanently closed streets.**—(1) When any public street is permanently closed under section 205, the corporation may dispose of the site or so much thereof as is no longer required making due compensation 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.

**207. Acquisition of lands and buildings for improvement of streets.**—(1) The commissioner may, subject always to such sanction as may be required under Chapter IV, acquire--

(a) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land ;

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1. Sections 204, 205 (1) (c) and 206 will not apply to any street which is vested in the Board of Trustees for the improvement of the City of Chennai under section 60(1) of the Chennai City Improvement Trust Act, 1950 (Tamil Nadu Act XXXVII of 1950).
  2. Substituted for the words “new streets” by section 108 (i) for the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. The words “Provincial Government” were substituted for the words “Local Government by the Adaptation Order of 1937 and the word “State” were substituted for “Provincial” by the Adaptation Order of 1950.
  4. Added by section 108 (ii), of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(b) any land outside the proposed street alignment, with the building, if any, standing thereupon which the council may consider it expedient to acquire.

(2) 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 the purpose may comprise such conditions as the <sup>1</sup>[standing committee] thinks fit as to the removal of 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.

(3) <sup>1</sup>[Standing committee] may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

**208. Power to prescribe building line and street alignment.**—The <sup>1</sup>[standing committee] may--

(a) prescribe for any public street, a building line or a street alignment or both a building line and a street alignment ;

(b) from time to time, but subject in each case to its receiving the authority of the council in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded--

(i) unless, at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given by the commissioner by advertisement in the local newspapers and in the <sup>2</sup>[Official Gazette], and special notice thereof, signed by the commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be defined ; and

(ii) until the council has considered 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.

**209. Restrictions on erection of, or addition to buildings within street alignment or building line.**—(1) No person shall construct any portion of any building within a street alignment defined under section 208, provided however that the commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest—

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1. Substituted for “central committee” Tamil Nadu Act 22 of 1971.

2. Substituted for the words “Fort St. George Gazette” by the Adaptation Order of 1937.

(a) not to claim compensation in the event of the commissioner at any time thereafter calling upon him or such successors to remove any building erected or added to in pursuance of such permission or any portion thereof, and

(b) to pay the expenses of such removal :

Provided that the commissioner shall, in every case in which he gives permission, report his reasons in writing to the <sup>1</sup>[standing committee.]

If the commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site is wholly or in part within a street alignment prescribed under section 208 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within one year after the date of such refusal, the corporation shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under section 208 except with the permission of the commissioner, who may when granting permission impose such conditions as the <sup>1</sup>[standing committee] may lay down for such cases.

**210. Setting back projecting buildings or walls.**—(1) When any building or part thereof abutting on a public street is within s street alignment defined under section 208, the commissioner may whenever it is proposed—

(a) to rebuild such building or take it down to an extend exceeding one-half thereof above the ground level, such half to be measured in cubic feet ;  
or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment ;

in any order which he issues concerning the rebuilding, 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 commissioner or otherwise, taken down, the commissioner may forthwith take possession on behalf of the corporation of the portion of land within the street alignment theretofore occupied by the said building 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 corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the commissioner takes possession of any land under sub-section (2), the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

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1. Substituted for “central committee concerned by” Tamil Nadu Act 22 of 1971.

**Explanation.**—(1) The expression ‘direct damage’ as used in sub-section (4) with reference to land means the market value of 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 the intended to put the land, although such use may be injuriously affect by the reduction of the site.

**211. Setting forward building to improve line of street.**—The commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the <sup>1</sup>[standing committee] 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 be street alignment if a wall of such material and dimensions as are approved by the commissioner is erected along the said line.

**212. Projected street.**—(1) The <sup>1</sup>[standing committee] 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 streets shall ordinarily not be less than forty feet, or in any area covered by huts, twenty feet.

(3) When any plan has been prepared under sub-section (1), the provision of section 210 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

**<sup>2</sup>213. Temporary closure of streets.**—The commissioner may, by an order, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage <sup>3</sup>[\* \* \*] or lighting or any of the purposes specified in Schedule V :

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

**214. Protection of appurtenances and materials of streets.**—It shall not be lawful for any person, without the permission of the commissioner, to

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1. Substituted for “circle committee concerned” by Tamil Nadu Act 22 of 1971.
  2. Section 213, 224 and 225 will not apply when any drain or premises vested in the corporation is opened or broken up by the Board of Trustees or when any public street is under construction by the Board by virtue of the provisions in section 60(2) of the Chennai City Improvement Trust Act, 1950 (Tamil Nadu Act XXVII of 1950.)
  3. Omitted “water supply” by section 85 of Tamil Nadu Act 28 of 1978.



displace, take up or make any alteration in the fence, posts, pavement, flags or other materials of any public street.

<sup>2</sup>**[214-A. Power of the corporation 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 an Executive Engineer, it appears to the commissioner that having regard to the average expenses of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, or by any process of loading, unloading or depositing excessive weights thereon, the commissioner may recover in the Civil Court, from any person by or in consequence of whose order such damage has been caused, the amount of such expenses as may be proved to the satisfaction of such Court to have been incurred by the corporation by reason of the damage arising from such weight or traffic as aforesaid :

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the corporation for the payment to it of a composition in respect of such weight of traffic and thereupon the persons so paying shall not be subject to any proceeding under this section.]

#### **PRIVATE STREETS.**

**215. Owner's obligation to make a street when disposing of land as building sites.**—If the owner of any land utilizes, 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.

**216. Making of new private streets.**—(1) Any person intending to layout or make a new private street must send to the commissioner, 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 leveling, paving, metalling, flagging, channeling, <sup>2</sup>[\* \*] draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made under it as to the level and width of public streets and the height of buildings abutting

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1. Inserted by section 109 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

2. Omitted word "sewering" by Tamil Nadu Act 28 of 1978.

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 approved by the <sup>1</sup>[commissioner.]

(3) Within sixty days after the receipt of any application under sub-section (1), the <sup>1</sup>[commissioner] shall either sanction the making of the street on such conditions as <sup>2</sup>[the 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 <sup>1</sup>[commissioner] likely to be made, for carrying out any general scheme of street improvements,

(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 layout or make any new private street without or otherwise than in conformity with the orders of the <sup>1</sup>[commissioner]. If further information is asked for, no steps shall be taken to layout or make the street until orders have been passed upon receipt of such information :

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the <sup>1</sup>[commissioner] has received all the information which <sup>3</sup>[he considers necessary to enable him] to deal finally with the said application.

**217. Alteration or demolition of street made in breach of section 216.—**(1) If any person lays out or makes any street referred to in section 216, without or otherwise than in conformity with the orders of the <sup>1</sup>[commissioner], the commissioner 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 commissioner on or before such day, as may be specified in the notice, why such street should not be altered to the satisfaction of the commissioner or if such alteration be impracticable, why such street should not be demolished ; or

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1. Substituted for the words “standing committee” by section 59(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961.)
  2. Substituted for the words “it may think fit” by section 59 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961.)
  3. Substituted for the words “it considers necessary to enable it” by section 59 (iii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961.)

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

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

**218. Power of commissioner 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 leveled paved, metalled, flagged, channelled, <sup>1</sup>[\* \* \*] drained, conserved, or lighted to the satisfaction of the commissioner, he may be notice <sup>2</sup>[requires the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building] 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 commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the <sup>3</sup>[owners referred to in sub-section (1) in such proportions as may be settled by the commissioner].

**219. Right of owners to require streets to be declared public.**—If any street has been levelled, paved, metalled, flagged, channelled, <sup>1</sup>[\* \* \*], drained, conserved and lighted under the provisions of section 218, such street shall, on the requisition of <sup>4</sup>[a majority of the owners referred to in sub-section (1) of that section], be declared a public street.

## **ENCROACHMENTS OF STREETS.**

**220. Prohibition against obstructions in streets.**—No one shall build any wall or erect any fence or other <sup>5</sup>[obstruction or projection or make any encroachment] in or over any street <sup>6</sup>[or any public place, the control of which is vested in the corporation] except as hereinafter provided.

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1. Omitted for “sewered” by section 85 of Tamil Nadu Act 28 of 1978.
  2. Substituted for the words “require the owners or occupiers of premises fronting or abutting on such street or part thereof” by section 110(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words “owners or occupiers in default according to the frontage of their respective premises and in such proportion as may be settle by the commissioner” by section 110(ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted for the words “not less than three fourths of the owners thereof” by section 111 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the words “obstruction, encroachment or projection” by section 112(i) of the Chennai City Municipal (Amendment) act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by section 112(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**221. 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 commissioner be hung or placed so as to open outwards upon any street.

(2) The commissioner 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.

**222. Removal of encroachments.**—(1) The commissioner 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 <sup>1</sup>[or any public place, the control of which is vested in the corporation].

(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 him a perspective title <sup>2</sup>[or where such period is less than thirty years, for a period of thirty years] or that it was erected with the consent of any municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

<sup>3</sup>**[223. Power to allow certain projections and erections.**—(1) The Commissioner may grant a licence, subject to such conditions and restrictions as he may think fit, to the owner or occupier of any premises—

(a) to put up or continue to have verandas, balconies, sun-shades, weather frames and the like, to project over a street. or

(b) in streets in which the construction of arcades has been sanctioned by the council, to put up or continue to have an arcade, or

<sup>4</sup>[(c) to construct or to continue to have any step or drain-covering necessary for access to the premises].

(2) With the concurrence of the commissioner of police, the commissioner may grant a licence. Subject to such conditions and restrictions as he may think, fit, for any temporary construction in any street or in any public place, the control of which is vested in the corporation.

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1. Added by section 113 (i), of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Inserted by section 113 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Substituted by section 114 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. Substituted by section 61 (i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

(3) No licence shall be granted under sub-section (1) if the projection or construction is likely to be injurious to health or cause public inconvenience or otherwise materially interfere or result in material interference with the use of the road as such.

(4) On the expiry of any period for which a licence has been granted under this or after due communication of an order of suspension or revocation of such licence, the commissioner 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 387 from the person to whom the licence was granted.

<sup>1</sup>[(5) The council shall have power to lease road sides and street margin vested in the corporation for occupation on such terms and conditions and the such period as it may fix :

Provided that no such lease for any term exceeding three years shall be valid unless the sanction of the State Government therefore shall have been first obtained :

Provided further that if the State Government consider that any occupation of a road side or street margin under a lease granted by the council under this section is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road side or street margin as such, the State Government may direct the council to cancel or modify the lease and the council shall thereupon cancel or modify the lease accordingly.]

<sup>2</sup>[**223-A. Power of council to set up hoardings and levy fees**—Subject to the provisions of the <sup>3</sup>[Tamil Nadu] Open Places (Prevention of Disfigurement) Act, 1959 (<sup>3</sup>[Tamil Nadu] Act 2 of 1959) and sections 129-A to 129-F of this Act, the commissioner may, with the sanction of the council, set up, for the exhibition of advertisements, hoardings, erections or other things in suitable place owned by, or vested in the corporation and may permit any person to use any such hoarding, erection or thing on payment of such fee as may be prescribed by regulations made by the council in this behalf.

**Explanation 1.**—For the purposes of sections 129-D and 129-E the person who has been permitted to use any hoarding, erection or thing under this section shall be deemed to be the owner or the person in occupation of such hoarding, erection or thing.]

**Explanation II.**—For the removal of doubts, it is hereby declared that any fee payable by any person to use any hoarding, erection or thing under this section shall be deemed to be the owner or the person in occupation of such hoarding, erection or thing.]

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1. Added by section 61 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  2. Inserted by section 62 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Substituted for the word “Madras” by Adaptation of Laws Order, 1969.

**<sup>1</sup>224. Precautions during repair of streets.**—(1) The commissioner shall, so far as is practicable during the construction or repair of any street, drain or premises vested in the corporation,--

(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 commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The Commissioner shall, with all reasonable speed, <sup>2</sup>[cause the said work to be completed, the ground to be filled in, the said drain, street or premises to be repaired and the rubbish occasioned thereby to be removed.]

**<sup>1</sup>225. 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 224.

**226. Making holes and causing obstruction.**—(1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the commissioner and complies with such conditions as he 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 filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or the 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 commissioner may <sup>3</sup>[by written order] allow, clear the street of such obstruction.

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1. Sections 213, 224 and 225 will not apply when any drain or premises vested in the Corporation is opened or broken up by the Board of Trustees for the improvement of the City of Chennai or when any public street is under construction by the said Board by virtue of section 60(2) of the Chennai City Improvement Trust Act, 1950 (Tamil Nadu Act XXXVII of 1950).

2. Substituted for the words “complete the said work, fill in the ground, and repair the said drain, street or premises” by section 115 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Substituted for the word “by notice” by section 116 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**227. 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 foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the commissioner 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 time as the public safety or convenience requires.

### **<sup>1</sup>[NAMING STREETS AND NUMBERING BUILDINGS, ETC.]**

**228. <sup>1</sup>[Naming or numbering or 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.

<sup>2</sup>[\* \* \*]

(2) The commissioner shall cause to be put up or painted in English and <sup>3</sup>[in Tamil] on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, the name <sup>4</sup>[or number] by which it is to be known.

(3) No person shall without lawful authority destroy, pull down or deface any such name <sup>4</sup>[or number] or put up any name <sup>4</sup>[or number] different from that put up by order of the commissioner.

**229. Numbering of buildings.**—(1) The Commissioner 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 enclosure thereof.

(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 commissioner may, by notice, require him to replace it.

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1. Substituted by Tamil Nadu Act 30 of 1979.

2. Proviso was omitted by Tamil Nadu Act 19 of 1990.

3. Substituted for the words 'in at least one vernacular language' by section 63 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act X of 1961).

4. Inserted by section 117 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

## CHAPTER x.

### Building Regulations.

**230. Building rules.**—(1)The <sup>1</sup>[State Government] may make rules—

and (a) for the regulation or restriction of the use of sites for buildings,

(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--

and (a) that no insanitary or dangerous site shall be used for building,

(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 or persons.

(3) Without prejudice to the generality of the power conferred by subsection (1), clause (b), rules 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 to relative to the width of streets ;

(c) level and width of foundation, level of lowest floor and stability of structure ;

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1. Substituted for “Provincial Government” by Adaptation Order of 1950.



(d) number and height of stories composing a building and height of rooms ;

(e) provision of sufficient open space, external or internal, and adequate means of ventilation ;

(f) provision of means of egress in case of fire ;

(g) provision of secondary means of access for the removal of house refuse ;

(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, <sup>1</sup>[\* \* \*]

<sup>2</sup>[\* \* \*].

<sup>3</sup>[(k) restrictions on the use of inflammable materials in building] ;

(4) No piece of land shall be used as a site for the construction of building and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this Act and of any rules or by-laws made thereunder relating to the use of building-sites or the construction or re-construction of buildings.

**231. Power of corporation to regulate future construction of certain classes of buildings in particular streets or localities.**—(1) The council may give public notice of their 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 re-constructed shall, in respect of their architectural features, be such as the <sup>4</sup>[commissioner] may consider suitable to the locality, or

(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 specified architectural character of buildings destined for particular uses will not be allowed without the special permission of the <sup>4</sup>[commissioner].

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1. Omitted for “cess-pools” by section 85 of Tamil Nadu Act 28 of 1978.

2. Omitted for “(j) paving of yards” by section 85 of Tamil Nadu Act 28 of 1978.

3. Substituted by section 85 of Tamil Nadu Act 28 of 1978.

4. Substituted for the words “standing committee” by section 64 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The <sup>1</sup>[standing committee] 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 commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

**232. Buildings at corner of streets.**—(1) 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 corporation 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 street.

<sup>2</sup>**[233. Prohibition against use of inflammable materials for buildings, etc., without permission.**—(1) No external roof, veranda, pandal or wall of a building and no shed or fence shall be constructed or re-constructed of cloth, grass, leaves, mats or other inflammable materials except with the permission of the commissioner, nor shall any such roof, veranda, pandal, wall, shed or fence constructed or re-constructed in any year be retained in a subsequent year, except with such permission.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.]

### <sup>3</sup>[BUILDINGS OTHER THAN HUTS.]

**234. Application to construct or re-construct building.**—(1) If any person intends to construct or re-construct a building, he shall send to the commissioner—

(a) an application in writing for approval of the site together with a site plan of the land, and

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1. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

2. Substituted for original section 233 by section 118 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Under section 5-A (1) of the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of the Chennai City Municipal corporation Act, 1919 (Tamil Nadu Act IV of 1919), shall not apply of any application made under that section by any person who intends to use any site for construction a building thereon for the exhibition of cinematograph films, or to construct, or reconstruct any building for such exhibition, or to instal any machinery in any place where cinematograph exhibitions are proposed to be given.

(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.

<sup>1</sup>[**Explanation.**—‘Building’ in this sub-section 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.

**235. Necessity for prior approval of the site.**—The commissioner shall not grant permission to construct or re-construct a building unless and until he has approval of the site on an application made under section 234.

**236. Prohibition against commencement of work without permission.**--<sup>2</sup>[(1)]The construction or re-construction of building shall not be begun unless and until the commissioner has granted permission for the execution of the work.

<sup>3</sup>[(2) While granting permission under sub-section (1), the commissioner may specify in writing, the precautions to be observed with reference to the construction or re-construction by the person making the application under sub-section (1) of section 234 and such person shall be responsible for the due observance of the precautions.]

**237. Period within which commissioner is to signify approval or disapproval.**—Within thirty days after the receipt of any application made under section 234 for approval of a site, or of any information or further information required under rules or by-laws, the commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in section 240 to approve the site.

**238. Period with which commissioner is to grant or refuse to grant permission to execute work.**—Within thirty days after the receipt of any application made under section 234 for permission to execute any work or of any information or of documents or further information of documents required under rules or by-laws, the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 240 or section 241 to grant it :

Provided that the said period of thirty days shall not begin to run until the site has been approved under section 237.

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1. Added by section 119 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Renumbered by section 65 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

3. Added by Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

**239. Reference to <sup>1</sup>[standing committee] if commissioner delays grant of refusal of approval or permission.**—(1) If, within the period laid down in section 237 or section 238, as the case may be, the commissioner has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the <sup>1</sup>[standing committee] 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 <sup>1</sup>[standing committee] does not, <sup>2</sup>[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.

**240. Grounds on which approval of site for, or permission to construct or re-construct building may be refused.**—The only grounds on which approval of a site for the construction or re-construction of a building or permission to construct or re-construct a building may be refused, are the following, namely :--

(1) that the work or the 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 provisions 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 particular or is not prepared in the manner required under rules or by-laws ;

(3) that any of the documents referred to in section 234 have not been signed as required under rules or by-laws ;

(4) that any information or documents required by the commissioner under the rules or by-laws has or have not been duly furnished ;

(5) that streets or roads have not been made as required by section 215 ;

<sup>3</sup>[(6) that the proposed building would be an encroachment upon <sup>4</sup>[Government] or municipal land ;]

(7) that the site of such building does not abut on a street or a projected street, and there is no access to such building from any such street by a passage or pathway appertaining to such site and not less than 12 feet wide at any part.]

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1. Substituted for “licence appeals committee” by Tamil Nadu Act 22 of 1971.

2. Substituted for the words “within fifteen days” by section 120 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Inserted by section 121 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. The word “Government” was substituted for “Crown” by the Adaptation Order of 1950.

Whenever the commissioner or the <sup>1</sup>[standing committee] refuse to approve a site for a building, or to grant permission to construct or re-construct a building, the reasons for such refusal shall be specifically stated in the order.

**241. Special powers for suspending permission to construct buildings.**—Notwithstanding anything contained in section 246, if any street shown in the site-plan is an intended private street, the commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

**242. Lapse of permission if not acted upon within six months.**—<sup>2</sup>[(1)] If the construction or re-construction of a building is not commenced within <sup>3</sup>[six months] after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh application has been made and fresh permission granted under this chapter.

<sup>4</sup>[(2)] If the construction of re-construction of the building is not completed within such period (not exceeding two years from the date on which permission was given for the construction or re-construction) as may be specified in this behalf by the commissioner, it shall not be continued thereafter until a fresh permission granted under this Chapter.]

**243. Inspection by commissioner.**—The commissioner may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 107.

**244. Power of commissioner to require alteration of work.**—(1) If the commissioner 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 rule, by-law, order or declaration made under this Act,

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 in conformity with the said plans, specifications, or provisions, or

(ii) to show cause why such alterations should not be made.

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1. Substituted for “licence appeals committee” by Tamil Nadu Act 22 of 1971.
  2. Renumbered as sub-section (1) by section 66 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. The words “six months” were substituted for the words “one year”, by section 66 (i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  4. Inserted by section 66 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

(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 commissioner 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.

<sup>1</sup>[**244-A. Power of commissioner to impose penalty in the case of unauthorized constructions or alterations.**—Notwithstanding any action taken under section 244 or section 357(1), where in the opinion of the commissioner any building has been constructed or altered otherwise than in accordance with the plans and specifications which have been approved or in contravention of any of the provisions of this Act or any rule, by-law, order or declaration made by way of penalty, a sum not exceeding fifty rupees for every half-year or part thereof in respect of every one hundred square feet or part thereof covered by the portion or portions of the building so constructed or alerted, the area of the ground floor and the other floors, if any, being reckoned separately. Such penalty shall be recovered in the same manner as the property tax until the portion or portions aforesaid are removed or rectified by the owner and the resulting construction is approved by the commissioner.]

**245. Stoppage of work endangering human life.**—Notwithstanding anything contained in any of the preceding sections, the commissioner may at any time stop the construction or re-construction of any building, if in his opinion, the work in progress endangers human life.

**246. Above provisions not applicable to huts.**—In section 234 to 245, the word 'building' does not include a hut.

<sup>2</sup>[**246.A. Demolition of buildings.**—(1) If any person intends to demolish a building either in whole or in part, he shall send an application to the commissioner in writing for permission to execute the work.

(2) The commissioner shall grant permission to execute the work subject to such conditions as he may deem necessary for ensuring the health or safety of the people living within or near the building.

(3) The demolition of a building shall not be begun unless and until the commissioner has granted permission for the execution of the work, and the work shall not be executed without complying with the conditions, if any, subject to which the permission has been granted.]

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1. Inserted by section 67 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2. Inserted by section 68 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

## WELLS.

**247. Application of certain sections to wells.**—The provisions of section 234, 235, 236, 242, 243, 244 and 245 shall, <sup>1</sup>[not apply to water works and sewerage works within the meaning of the <sup>2</sup>[Chennai] Metropolitan Water Supply and Sewerage Act, 1978].

## HUTS.

**248. Application to construct or re-construct huts.**—(1) Every person who intend to construct or re-construct a hut shall send to the commissioner--

(a) an application in writing 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 under rules or by-laws.

**249. Prohibition against commencement of work without permission.**—The construction or re-construction of a hut shall not be commenced unless and until the commissioner has granted permission for the execution of the work on an application sent to him under section 248.

**250. Period within which commissioner is to grant or refuse to grant permission to execute the work.**—Within fourteen days after the receipt of any application made under section 248 for permission to construct or re-construct a hut, or of any information or plan or further information or fresh plan required under rules or by-laws, the commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in section 252 to grant it.

**251. Reference <sup>3</sup>[standing committee] if commissioner delays grant or refusal of permission.**—(1) If within the period laid down in section 250, the commissioner has neither granted nor refused to grant permission to construct or re-construct a hut, the <sup>3</sup>[standing committee] 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 <sup>3</sup>[standing committee] 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 section 85 of Tamil Nadu Act 28 of 1978.

2. Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.

3. Substituted for "licence appeals committee" by Tamil Nadu Act 22 of 1971.

**252. Grounds on which permission to contract or re-construct hut may be refused.**—The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:--

(1) that the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, by-law, order 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 commissioner under rules or by-laws has not been duly furnished ;

(4) that streets or roads have not been made as required by section 215 ;

<sup>1</sup>[(5) that the land on which the hut is to be constructed or the street or streets on which such land abuts are not adequately drained, levelled or lighted ; or

(6) that the proposed hut would be an encroachment upon <sup>2</sup>[Government] or municipal land.

Whenever the commissioner or <sup>3</sup>[standing committee] refuses to grant permission to construct or re-construct a hut, the reasons for such refusal shall be specifically stated in the order.]

**253. Lapse of permission if not acted upon within three months.**—<sup>4</sup>[(1)] If the construction or re-construction of any hut is not commenced within <sup>5</sup>[three months] after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

<sup>6</sup>[(2) If the construction or re-construction of the hut is not completed within such period (not exceeding one year from the date on which permission was given for the construction or re-construction) as may be specified in this behalf by the commissioner, it shall not be continued thereafter until a fresh application has been made and fresh permission granted under this Chapter].

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1. Added by section 122 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the word “Crown” by the Adaptation Order of 1950.
  3. Substituted for “licence appeals committee” by Tamil Nadu Act 22 of 1971.
  4. Re-numbered as sub-section (1) by section 69 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  5. Substituted for the words “six months” by section 69 (i), of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  6. Inserted by section 69 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act 56 of 1936).



## EXTERNAL WALLS, ALTERATIONS AND ADDITIONS.

**254. Maintenance of external walls in repair.**—The owner or occupier of any building adjoining a <sup>1</sup>[\* \* \*] street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the commissioner.

**255. Application of provisions to alterations and additions.**—(1) The provisions in this chapter and of any rules or by-laws made under this Act relating to construction and re-construction 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 dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose 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 <sup>2</sup>[standing committee], whose decision shall be final.

<sup>3</sup>**255-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 commissioner or any person authorised by him in this behalf may, after giving notice to the owner or occupier of the building and recover the cost of such provision along with 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

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1. Omitted for “public” section 123 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for “licence appeals committee” by Tamil Nadu Act 22 of 1971.
  3. Inserted by Tamil Nadu Act 33 of 2003.

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 COMMISSIONER.

**256. Demolition or alteration of building <sup>1</sup>[\* \* \*] work unlawfully commenced, carried on or completed.**—(1) If the commissioner is satisfied--

(i) that the construction or re-construction of any building <sup>1</sup>[\* \* \*],--

(a) has been commenced without obtaining the permission of the commissioner or where an appeal or reference has been to the <sup>2</sup>[standing committee], or

(c) 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

(ii) that any alterations required by any notice issued under section 244 have not been duly made, or

(iii) that any alternation of, or additions 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 225, 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 commissioner, has been unlawfully executed, or to make such alterations as may, in the opinion of the commissioner, be necessary to bring the work into conformity with the Act, rules, by-laws, direction or requisition as aforesaid, or with the plans or 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 <sup>1</sup>[\* \* \*].

(2) The commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building <sup>1</sup>[\* \* \*] 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.

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1. Omitted by Tamil Nadu Act 28 of 1978.

2. Substituted for "licence appeals committee" by Tamil Nadu Act 22 of 1971.

(3) If the owner fails to show cause to the satisfaction of the commissioner the commissioner may confirm the order with any modification he may think fit to make <sup>1</sup>[and such order shall then be binding on the owner.]

<sup>2</sup>**[256-A. Power of commissioner to direct removal of person directing or carrying on construction of any buildings, etc.—**(1) If the construction or re-construction of any building—

(a) is commenced without the permission of the commissioner, or

(b) is carried on otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on in contravention of any lawful order or breach of any provision contained in this Act or in any rule or by-law made under it, or of any direction or requisition lawfully given or made, the commissioner may, after three days' notice, direct that any person directing or carrying on such construction, or any person employed in the execution thereof in such building or any other place adjacent thereto shall be removed from such building, well or place.

(2) It shall be the duty of every police officer to assist the commissioner or any officer or servant of the corporation reasonably demanding his aid for carrying into effect the direction given by the commissioner under sub-section (1).]

#### **EXEMPTIONS.**

**257. Exemptions.—**Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, meter-house, summer house (not being a dwelling house), poultry house, or aviary, shall be exempted from the provisions of this Chapter other than section 233, provided the building be wholly detached from, and situated at a distance of at least 10 feet from the nearest adjacent building.

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1. Added by section 124 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Inserted by section 70 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

CHAPTER X-A.

**Cheris or Hutting Grounds.]**

<sup>1</sup>[PRELIMINARY.]

<sup>1</sup>**[257-A. Power of <sup>2</sup>[standing committee] to define and alter limits of cheris or hutting grounds.**---The <sup>2</sup>[standing committee] may, subject to the approval of the council, decide whether any particular area is or is not a cheri or hutting ground as defined in clause (8-A) of section 3 and the decision of the <sup>2</sup>[standing committee] shall, on such approval, be final. The <sup>2</sup>[standing committee] may also, subject to the approval of the council, define the external limits of any cheri or hutting ground and from time to time alter such limits.]

<sup>1</sup>[IMPROVEMENT OF CHERIS OR HUTTING GROUNDS.]

<sup>1</sup>**[257-B. Power of commissioner to require owner of cheri or hutting ground to carry out certain improvements.**—(1) The commissioner may, for sanitary reasons, require the owner or owners of any cheri or hutting ground of which the total area as comprised within the limits defined under section 257-A is less than four thousand eight hundred square feet---

(a) to open up and construct such passages, not exceeding twelve feet in width, between the buildings or huts, and to provide such surface drains and latrines for the use of the tenants of the cheri or hutting ground, as the commissioner may think necessary ; and

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act of 1936).

2 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

(b) to remove the whole or any portion of a hut ; provided that the owner of the building or hut shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, as the commissioner may determine.

(2) When the commissioner proposes to issue a requisition in respect of any cheri or hutting ground under sub-section (1), he shall prepare a standard plan showing the proposed improvements and may then, by written notice, call on the owner or owners of the cheri or hutting ground to show cause why the cheri or hutting ground should not be improved within a date to be fixed in conformity with the said plan.

(3) The provisions of sections 257-J, 257-k, 257-L, 257-Q,257-T,257-U and 257-X shall, with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (1).]

**<sup>1</sup>[257-C. Power of commissioner to require preparation of standard plan by owner of cheri or hutting ground.—(1) the commissioner may, at any time, if it appears to him that any cheri or hutting ground, for sanitary reasons, requires improvement, serve a notice upon the owner of such cheri or hutting ground requiring him to prepare and submit a plan of the cheri or hutting ground, to the scale of thirty-three feet to the inch, showing----**

(a) the manner in which the cheri or hutting ground should be laid out, with the buildings or huts standing in regular lines and with a free passage, in front of and behind each line, of such width as may be necessary for proper ventilation and for scavenging ;

(b) the drains for the general use of the tenants of the cheri or hutting ground ;

(c) the means of lighting, common water supply, bathing arrangement (if any) and common privy accommodation to be provided for the use of the tenants ;

(d) the streets and passages which are to e maintained for the benefit of the tenants ;

(e) the tanks, wells and low lands which are to be filled up and the tanks which are to be conserved ; and

(f) any other proposed improvements :

Provided that when there are two or more owners of a cheri or hutting ground, the commissioner may require them to prepare and submit a joint plan of the cheri or hutting ground.

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) The streets referred to in clause (d) of Sub-section (1) shall be not less than sixteen feet wide and ordinarily not more than two hundred feet apart, and the passages referred to in that clause shall be not less than twelve feet wide.

(3) If there is any masonry building within the limits of the cheri or hutting ground, the said plan shall be so prepared as clearly to distinguish such building and the land pertaining to it.

(4) The said plan shall be considered by the commissioner who may approve of it without modification or with such modifications as he thinks fit and the said plan as approved by the commissioner shall be deemed to be the standard plan of the cheri or hutting ground.]

<sup>1</sup>[**257-D. Preparation of standard plan by commissioner where owners disagree, etc.**—(1) If, after the service of a notice under section 257-C on the owner or owners of any cheri or hutting ground—

(a) such owner or owners prefer for any reason to have a plan prepared for them by the commissioner, or

(b) such owner or owners fail to comply within sixty days with such notice, or

(c) such owners do not agree among themselves in the preparation of a plan as required by such notice,

the commissioner shall cause the cheri or hutting ground to be inspected by two persons appointed in that behalf one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or such other qualification as may be prescribed by the council in this behalf, and the other an engineer and the commissioner on receipt of their report shall cause a plan to be prepared to the scale and showing the particulars prescribed in the said section.

(2) When a plan has been prepared under sub-section (1), the commissioner shall fix a day for the hearing of objections (if any) made by or on behalf of the owner or owners of the cheri or hutting ground and the owners of the huts or masonry buildings therein, and after hearing such objections, may in his discretion, approve such plan either with or without modifications.

(3) every plan of a cheri or hutting ground approved under sub-section (2) shall be deemed to be the standard plan of the cheri or hutting ground.

(4) When the commissioner causes a plan to be prepared under sub-section (1), he may charge the owner or owners of the cheri or hutting ground therefor at a rate not exceeding one rupee per two thousand four hundred square feet.]

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act of 1936).

<sup>1</sup>**[257-E. Suspension of building pending preparation of standard plan.**---when the owner or owners of a cheri or hutting ground have been required under section 257-C to prepare a plan, no new building or hut shall be erected and no addition shall be made to any building or hut within the cheri or hutting ground until a plan has been prepared and approved under that section or under section 257-D.]

<sup>1</sup>**[257-F. Prohibition of building contrary to standard plan.**--- When a standard plan has been approved for any cheri or hutting ground under section 257-C or section 257-D, no new building or hut shall be erected and no addition shall be made to any building or hut in such cheri or hutting ground unless the building or hut, or the portion to be added, as the case may be, occupies a site, or portion of a site, marked in the standard plan as the site for a building or hut.]

<sup>1</sup>**[257-G. Power of commissioner to require removal of building or hut not in conformity with standard plan.**---(1) When a standard plan has been approved for any cheri or hutting ground under section 257-C or section 257\_D, the commissioner may, at any time, by notice, require the owner of any building or hut in such cheri or hutting ground, which is not in conformity with the standard plan, to remove the whole or any portion of such building or hut.,

(2) When a building or hut or portion of a building or hut has been removed in compliance with a requisition made under sub-section (1), the owner thereof shall be entitled to receive from the municipal fund such compensation calculated according to the estimated value of the structure removed, less the value of the materials, if the owner, elects to take these, as the commissioner may determine.]

<sup>1</sup>**[257-H. power of commissioner to require carrying out of other improvements in conformity with standard plan.**—The commissioner may, at any time , by notice, require the owner or owners of any cheri or hutting ground for which a standard plan has been prepared under section 257-C or section 257-D—

(a) to construct the drain, privies, streets and passages, provide the means of lighting, water-supply and common bathing arrangements and carry out the other improvements shown in such plan, so far as may practicable having regard to the existing arrangement of the huts, and

(b) If any tank, well or low land is shown in such plan as to be conserved or filled up, to conserve or fill up such tank, well or low land.

(2) Until such notice is complied with, the commissioner may refuse to sanction the erection of a new building or hut or the making of any addition to any building or hut in the cheri or hutting ground.]

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1 Inserted by section 125 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act of 1936).

**<sup>1</sup>[257-I. Inspection report and preparation of standard plan by registered medical practitioner and engineer in cases requiring expedition.-**

-(1) If it appears to the commissioner that any cheri or hutting ground—

(a) by reason of the manner in which the buildings or huts are crowded together, or

(b) for any other reason,

is in such an unhealthy condition that the procedure provided by the foregoing sections of this Chapter would be too dilatory to meet the emergency, he may, after giving notice to the owner or owners of the cheri or hutting ground, cause the cheri or hutting ground to be inspected by two persons appointed in that behalf, one of whom shall be the health officer of the corporation or a person holding the diploma of Public Health or having such other qualifications as may be prescribed by the council in this behalf, and the other an engineer. In appointing such persons, the commissioner shall consider any proposals made by the owner or owners of the cheri or hutting ground in this connection.

(2) The said persons shall forthwith---

(a) submit a written report on the sanitary condition of the cheri or hutting ground.

(b) annex to the report, a plan approved by them as a proper standard plan of such cheri or hutting ground, and

(c) certify---

(i) which of the improvements required to bring the cheri or hutting ground into conformity with such plan should be taken in hand forthwith in consequence of the unhealthy condition of the cheri or hutting ground, and

(ii) which (if any) of such improvements should be deferred for action under the foregoing sections of this chapter.

(3) The improvements referred to in sub-clauses (i) and (ii) of clause (c) of sub-section (2) shall be specified in two separate schedules which shall be annexed to the report and called Schedule A and Schedule B, respectively.

(4) The said schedules shall clearly indicate---

(a) the buildings or huts which should be removed wholly or in part,

(b) the streets, passages and drains which should be constructed,

(c) the means of lighting, water-supply, common bathing arrangements and common privy accommodation to be provided for the use of the tenants,

(d) the tanks, wells and low lands which should be filled up,

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(e) any other improvements which the two persons appointed under sub-section (1) may consider necessary in order to remove or abate the unhealthy condition of the cheri or hutting ground, and

(f) any masonry building within the cheri or hutting ground, and any land pertaining to such building which it may be necessary to purchase or acquire for the purpose of making such streets or passages, or effecting any such improvement.

(5) A report (together with the schedules annexed thereto) submitted under this section by any two persons appointed under sub-section (1) shall be sufficient evidence of the result of such inspection.]

<sup>1</sup>[**257-J. Approval by <sup>2</sup>[standing committee] of standard plan and schedules annexed to report.**—(1) The <sup>2</sup>[standing committee] shall consider every report (together with the plan and Schedules A and B annexed thereto) made under section 257-I, and after considering the objections (if any) of the owner or owners of the cheri or hutting ground in respect of which the report has been made and of any owner of any hut which is required to be demolished or altered and of the owner of any masonry building which is to be dealt with under sub-section (4) of section 257-I, may approve such plan and schedules after making such modifications (if any ) therein as it may think fit.

(2) The plan so approved shall be deemed to be the standard plan of each cheri or hutting ground.]

<sup>1</sup>[**257-k. Power of commissioner to require owners to carry out improvements specified in Schedule A.**---When Schedule A annexed to a report made under section 257-I has been approved under section 257-J, the commissioner may cause a written notice to be served upon---

(a) the owners of the buildings or huts referred to in such Schedule A, or

(b) the owners of the cheri or hutting ground in which such buildings or huts are situated.

requiring them to carry out all or any of the improvements specified in that schedule or any portion of such improvements.]

<sup>1</sup>[**257-L. Payment of expenses incurred in carrying out improvements.**---When any improvements required by a notice under section 257-K are carried out by the commissioner under section 380, all expenses incurred thereby, including such reasonable compensation as the commissioner may think fit to pay to the owners or occupiers of buildings or huts removed, shall be paid by the owner or owners of the cheri or hutting ground to the corporation and shall constitute a charge upon such cheri or hutting ground ;

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

2 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

Provided that notwithstanding anything contained in section 384, if appears to the <sup>1</sup>[standing committee] that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the <sup>1</sup>[standing committee] have been done by the owners or occupiers of huts within the cheri or hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund, and in the case of expenses which should be paid by the owner or owners of the cheri or hutting ground, it may order the same or any portion thereof to be advanced out of the municipal fund, but thereafter to constitute a charge upon such cheri or hutting ground.]

**<sup>2</sup>[257-M. Disposal by the commissioner of materials of buildings or huts pulled down.---**If, in carrying out any improvements as provided in section 257-K the commissioner causes any building or hut or any portion thereof to be pulled down, he shall---

(a) cause the materials of such building, hut or portion to be given to the owner of the building or hut if such owner elects to take them :or`

(b) if the owner does not elect to take the materials, or if the owner be unknown or the title to the building or hut be disputed, cause such materials to be sold and hold in deposit the proceeds of the sale, together with any sum awarded as compensation under section 257 -L.

(2) Any amount held in deposit under clause (b) of sub-section (1) shall be so held by the corporation until any person obtains an order from a competent Court for the payment to him of such amount.

(3) A court of small Causes shall be deemed to be a competent Court for the purposes of this section.]

**<sup>2</sup>[257-N. Power of <sup>1</sup>[standing committee] to direct commissioner to purchase or acquire buildings or land in cheri or hutting ground.----**The <sup>1</sup>[standing committee] may, at any time after the receipt of a report made under section 257-I, direct the commissioner to purchase or acquire---

(a) any building within such cheri or hutting ground, or

(b) any land appertaining to such building, or

(c) any such building, together with the land appertaining thereto or any portion thereof,

which is mentioned in that behalf in schedule A or Schedule B annexed to such report provided however that it shall be competent for the commissioner to

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1 Substituted for "central committee" by Tamil Nadu Act 22 of 1971.

2 Inserted by section 125 of the Chennai city municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

purchase any item of property mentioned above if it does not exceed rupees one thousand in value.]

<sup>1</sup>[**257-O. Application of section 257-F to 257-H to cheri or hutting ground for which standard plan has been approved under section 257-J.**— when a standard plan of a cheri or hutting ground, and any Schedule B, annexed to the report made under section 257-I with respect to that cheri or hutting ground, have been approved under section 257-J.----

(a) the provisions of section 257-F shall apply to such cheri or hutting ground, and

(b) the provisions of section 257-G and 257-A shall apply to such cheri or hutting ground in respect of the improvements indicated in that schedule as provided in sub-section (4) section 257-I.]

<sup>1</sup>[**257-P. Alternative power of commissioner to make standard plan, to purchase or acquire cheri or hutting ground and to carry out improvements himself or through purchaser or lessee.**—(1) Notwithstanding anything contained in section 257-J and 257-O, the <sup>2</sup>[standing committee] may, after receipt of a report made under section 257-I with respect to any cheri or hutting ground, and after giving an opportunity of being heard to the owner or owners thereof, pass a resolution to the effect that the cheri or hutting ground is an unhealthy area and that in its opinion, the purchase or acquisition of the cheri or hutting ground, or of any portion thereof, is necessary for the purpose of making the improvements referred to in to said report.

(2) When any such resolution has been passed, the commissioner shall make a plan for the improvement of the said cheri or hutting ground or portion thereof, together with such estimates as may be necessary for a due understanding of the same, and may then purchase or acquire the said cheri, hutting ground or portion, and such plan shall be deemed to be the standard plan of the cheri or hutting ground.

(3) when any cheri or hutting ground or portion of a cheri or hutting ground has been so purchased or a acquired, the commissioner shall as soon as is reasonably practicable, either---

(a) sell or lease the same or part thereof to any person for the purpose and under the condition that he will, as regards the land so sold or leased to him, carry out the improvements shown in such standard plan, or

(b) himself bring the said cheri hutting ground or portion any part of the same which has not been sold or leased under clause (a) into conformity with such standard plan, or

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1. Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Substituted for “Central committee” by Tamil Nadu Act 22 of 1971.

(c) take measures for the erection of sanitary dwellings for the working classes or for the poorer classes, or for both, on such land.

(4) Whenever the commissioner desires to sell or lease under sub-section (3) any cheri or hutting ground or any portion thereof, he shall, on application made on that behalf, give to the person from whom the same was purchased or acquired, or his heirs, executors or administrators, a preferential right to purchase or take on lease such cheri, hutting ground or portion at such rates and on such terms and conditions as may be fixed by the <sup>1</sup>[standing committee], if the <sup>1</sup>[standing committee] considers that such right can be given without detriment to the carrying out of the purposes of this Act. If more than one person so applies, the <sup>1</sup>[standing committee] shall determine which of such persons shall have the preferential right under this sub-section to purchase or take on lease such cheri or hutting ground or portion.

<sup>2</sup>**[257-Q. Proportions of area or Cheri or hutting ground to be shown in standard plan as streets, passages and open lands.---**(1) No standard plan approved for a cheri or hutting ground under this chapter shall, without the consent of the owner thereof, show more than---

(a) one-third of the whole area of such cheri or hutting ground as streets or passages, or

(b) one-half of such areas as open lands not to be built upon, whether such open lands be common ground, streets, passages or spaces behind a line of buildings or huts.

(2) In calculating the said proportions of one-third and one-half of any such area, no tank situated therein that has not been filled up shall be taken into account.]

<sup>2</sup>**[257-R. Regulation of plots by standard plan and compensation for adjustments of plots.---**(1) when the land included in a cheri or hutting ground is owned by more owners than one, each owning one or more separate plots of such land, the standard plan approved under this chapter for such cheri or hutting ground shall, as far as practicable, provide---

(a) for one or more buildings or huts being completely contained in each such plot, and

(b) for such proportion of each such plot being taken for streets, passages and open land as is specified in section 257-Q.

(2) If a greater proportion of any one such plot than the proportion specified in section 257-Q is so taken, such standard plan shall indicate---

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1 Substituted for "central committee" by Tamil Nadu Act 22 of 1971.

2 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(i) the compensation which shall be payable to the owner of such plot, and

(ii) the persons who are liable to pay such compensation by reason of their benefiting by such greater proportion having been taken.

(3) If no person can equitably be called upon to pay such compensation, the same shall be paid by the corporation.

(4) Any compensation payable under this section to the owner or owners of any land in a cheri or hutting ground shall not be paid until such land has been brought into complete conformity with the standard plan.]

**<sup>1</sup>[257-S. Streets and passages shown in standard plan if not public streets to remain private.---**(1) Every street or passage in a cheri or hutting ground which is shown in the standard plan approved under this Chapter for that cheri or hutting ground and which is not already a public street, shall, unless such street or passage is declared to be a public street under section 219, be deemed to be a private street and the portion thereof which falls on the land of each owner shall belong to such owner :

Provided that any portion of any such street or passage which is situated on land purchased or acquired under section 257-N shall remain the property of the corporation.

(2) Every such private street shall, at all times, be kept open for scavenging purposes and for all other purposes of this Act in such manner as the commissioner may require, and shall also be kept open for the use of all the tenants of the cheri or hutting ground :

Provided that, notwithstanding anything contained in the Indian limitation Act, 1908, no use of any such street shall, by reason of any lapse of time, be held to confer a right of way on the public so as to bring the street within the definition of a public street in clause (20) of section 3.]

**<sup>1</sup>[257-T. Bathing arrangements and privy accommodation in cheri or hutting ground as shown in standard plan, to be kept open for use of tenants.—**The bathing arrangements and privy accommodation in a cheri or hutting ground, which are shown in the standard plan approved under this chapter for such cheri or hutting ground as being common to use of all or some of the tenants of the cheri or hutting ground, shall at all times be kept available for the use of such tenants.

Provided that, notwithstanding anything contained in the contained in the Indian limitation Act, 1908, if at any time the land on which any such bathing arrangements or

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

privy accommodation are provided ceases to form part of such cheri or hutting ground, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as prejudicially to affect the rights of the owner of such land.]

**<sup>1</sup>[257-U. Owner of land inc cheri or hutting ground to maintain certain conveniences on his land.---**(1) The owner or owners of any land in a cheri or hutting ground, for which a standard plan has been approved under this chapter, shall maintain in proper order and repair, to the satisfaction of the commissioner such streets, passages, drains common bathing arrangements, common privy accommodation, means of lighting, means of water –supply and other works on the land as may be shown in the plan.

(2) The commissioner may, at any time , cause a notice to be served upon such owner requiring him so to maintain such streets, passages, drains, common bathing arrangements, common privy accommodation, means of lighting, means of water-supply and other works :

Provided that any convenience made by the owner of a building or hut for his own use shall, subject to such notice as aforesaid, be maintained by him and not by the owner of the cheri or hutting ground.

(3) If the commissioner is satisfied that any street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or any portion thereof, has been damaged by any tenant or tenants of the cheri or hutting ground, the commissioner may, if he thinks it desirable to do so, call upon such tenant or any one or more of such tenants by a notice to repair such street, passage, drain, bathing arrangements, privy accommodation, means of water-supply or other work or portion thereof.

(4) Notwithstanding anything contained in this section or in section 257-T, the scavenging of streets and common privies shall be done by the corporation free of charge.]

**<sup>1</sup>[257-V. Right of owner of land and owner of building, or hut over streets, land and drains shown in standard plan.---**(1) The owner of any land in a cheri or hutting ground, for which a standard plan has been approved under this chapter, shall be deemed to the occupier of ---

(a) all the streets, passages and common ground,

(b) all drains provided for the use of more than one hut, and

(c) the common bathing arrangements, common privies and means of lighting the cheri or hutting ground

on such land so far as the same are constructed in accordance with the standard plan.

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) The owner any building or hut in such cheri or hutting ground shall be deemed to be the occupier of ---

(i) the land on which such building or hut stands,

(ii) the open space behind such building or hut which appertains thereto, and

(iii) every drain, privy, means of lighting or water connection (if any) provided for the sole use of such building or hut.]

**<sup>1</sup>[257-W. Cheri or hutting ground when to be deemed a remodeled cheri or hutting ground.---When a cheri or hutting ground has been brought into conformity with the standard plan approved under this chapter for such cheri or hutting ground, it shall be deemed to be a remodeled cheri or hutting ground.]**

**<sup>1</sup>[257-X. Power of owner to take land out of category of cheri or hutting ground in certain cases.---(1) The owner of any land included in a cheri or hutting ground and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the cheri or hutting ground has been prepared under this Chapter or not, send notice to the commissioner that he intends to remove all the buildings or huts standing on such land :**

Provided that the receipt of any such notice by the commissioner shall not be a bar to the approval by the commissioner or the <sup>2</sup>[standing committee] under this Chapter, of a standard plan for such cheri or hutting ground.

(2) From the date of such notice not application shall be entertained for erecting on such land any new building or hut or adding to any building or hut standing on the land.

(3) Such owner shall, within six months after the date of such notice, or within such further time as the commissioner may, from time to time allow, remove all buildings or huts standing on such land; and if he does not do so, the notice shall be deemed to be cancelled.

(4) When all such buildings or huts have been so removed such land shall, according to its situation, either---

(i) be altogether excluded from the limits of the cheri or hutting ground, or

(ii) be shown in a standard plan approved for the cheri or hutting ground under this Chapter, as not being part of such cheri or hutting ground :

Provided that, if in the standard plan, any street or passage is shown on such land, the provisions of sections 257 -H, 257-K, 257-O, 257-S, 257-U and

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for "central committee" by Tamil Nadu Act 22 of 1971.

257-V. shall with all necessary modifications, be deemed to apply to such street or passage unless the commissioner otherwise directs.

(5) If, after all the buildings or huts standing on any land have been removed under sub-section (3), any application is received for erecting any building or hut on such land, the commissioner may, be notice, require the owner of the land to carry out such improvements included in the standard plan as he may think fit.

(6) when all the buildings or huts standing on any land within a cheri or hutting ground have been removed under sub-section (3), the <sup>1</sup>[standing committee] may either---

(a) cancel the standard plan (if any) already approved under this chapter, for such cheri or hutting ground or

(b) modify such plan, after hearing the objections (if any) of any owner of land included in such cheri or hutting ground.

(7) Where any land, formerly included in a cheri or hutting ground, ceases to be so included, and where any street or passage was shown on such land in the standard plan and where on such land ceasing to be so included, the commissioner does not consider it to be practicable or expedient to change the alignment of such street, he shall, in applying the proviso to sub-section (4) to such street, compensate the owner of such land for any area that is included in such street which is in excess of one-seventh of the entire area of the land which ceases to be included in the cheri or hutting ground,]

## <sup>2</sup>[CHERI OR HUTTING GROUND STREETS.]

<sup>2</sup>[**257-Y. Power of <sup>1</sup>[standing committee] to prescribe alignments for cheri or hutting ground streets.**—(1) In any cheri or hutting ground, in respect of which a standard plan has not been prepared, or in any area in which it appears to the commissioner, that huts are likely to be erected, the <sup>1</sup>[standing committee] may, after considering the objections, if any, of any owner of land in such cheri or hutting ground, or in such area, prescribe alignments, not more than sixteen feet in width, for such private streets as it may think fit.

(2) when the land within such cheri or hutting ground or area is owned by more owners than one, each owning one or more separate plots of such land, such alignments shall as far as practicable, be so prescribed as not to occupy, within any such plot, more than one-fourth of the area thereof and shall not ordinarily be less than one hundred feet apart.

(3) If, in any such plot, more than one-fourth of the area thereof is occupied by such alignments, the corporation shall pay such compensation to the owner of the plot as the <sup>1</sup>[standing committee] may fix as reasonable :

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1 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

2 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



Provided that no compensation shall be paid in respect of any such plot as long as any hut or other structure other than a masonry building is left standing within any such alignment in the plot.

(4) No building or hut or portion thereof shall be erected within any alignment prescribed under sub-section (1).

(5) The provisions of section 257-S shall, with all necessary modifications, be deemed to apply to every street, the alignment for which for which has been prescribed under this section.]

**<sup>1</sup>[257-Z. Power of commissioner to require removal of existing huts within the street or hut alignment in cheri or hutting ground.---(1) In any cheri or hutting ground, at any time after the expiration of seven years from the time when any alignment has been prescribed---**

(a) for a street under section 257-Y, or

(b) for buildings or huts,

the commissioner may, by notice, require the owner of the land or the owners or occupiers of existing buildings or huts to remove such buildings or huts or portions thereof as fall—

(i) within any such prescribed street alignment, or

(ii) within six feet on either side of any such prescribed building or hut alignment as the case may be.

(2) When a building or hut has been removed under the provisions of sub-section (1), the corporation shall pay to the owner thereof such compensation as the <sup>2</sup>[standing committee] may consider to be reasonable, but such compensation shall in no case exceed the value of the building or hut less the value of the materials thereof.]

**<sup>2</sup>[257-AA. Power of commissioner to require space to be kept between masonry building in cheri of hutting ground and centre line of cheri or hutting ground street.--- Any person who erects a masonry building---**

(a) in any cheri or hutting ground in respect of which a standard plan has been <sup>3</sup>[approved under sections 257-C, 257-D, or 257-J], or

(b) in any cheri or hutting ground or area in respect of which alignments for streets have been prescribed under section 257-Y,

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

3 Substituted for “approved under sections 257-C, 257-D or 157-J” by section 3 of, and the second Schedule to the Tamil Nadu repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).

shall, if so required by notice issued by the commissioner, leave a clear space of fifteen feet between the centre line of any street or passage shown in such plan, or of any street the alignment for which has been so prescribed, as the case may be, and the nearest part of such building.]

**<sup>1</sup>[257-BB. Application of provisions of this chapter to alterations or additions.—(1) the provisions of this Chapter and of any rules or by-laws made under this Act in so far as they relate to construction and reconstruction of buildings or huts in cheris or hutting grounds shall also be applicable to any alteration of or addition to such buildings or huts :**

Provided that works of necessary repair which do not affect the position or dimensions of a building or hut or any room therein shall not be deemed to be an alteration or addition for purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position of dimensions of a building, hut or room, such question shall be referred to the <sup>2</sup>[standing committee] whose decision shall be final.]

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1 Inserted by section 125 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for “licence appeals committee” by Tamil Nadu Act 22 of 1971.

## CHAPTER XI.

### Nuisances.

#### <sup>1</sup>[DANGEROUS STRUCTURES], TREES AND PLACES.

**258. Precautions in case of dangerous structures.----**(1) If any <sup>2</sup>[structure] be deemed by the commissioner to be in a ruinous state or dangerous to passers by or to the occupiers of neighbouring structures, the commissioner may, by notice, require the owner or occupier to fence off, take down, secure or repair such <sup>2</sup>[structure] so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner may himself before giving such notice or before the period of notice expires fence off, take down, secure or repair such <sup>2</sup>[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 387.

(3) If in the commissioner's opinion, the said <sup>2</sup>[structure] is imminently dangerous to the inmate thereof, the commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

**259. Precautions in case of dangerous trees.—**(1) If any tree or any branch of a tree or the fruit of any tree be deemed by the commissioner to be

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1 Substituted for the words "Dangerous Buildings" by section 126 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for the word "building by section 126 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

likely to fall and thereby to <sup>1</sup>[endanger any person or any structure], the commissioner 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 commissioner may himself, before giving such notice or before the period of 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 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 387.

**260. Precautions in case of dangerous tanks, wells, holes, etc.---**If any tank pond, well hole, stream, dam, bank or other place be deemed by the commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by, or to persons living in the neighbourhood, the commissioner may, by notice, require the owner to fill in remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary, the commissioner may himself, before giving such notice or before the period of notice expires, 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 387.

**261. Precautions against fire.---**The commissioner may, by notice, require the owner of any <sup>2</sup>[structure], booth or tent partly or entirely composed of or having any external roof, veranda, pandal, <sup>3</sup>[fence] or wall partly or entirely composed of, cloth, grass, leaves, mats or other inflammable materials to remove or alter such <sup>2</sup>[structure], booth, rent, roof, veranda, pandal, <sup>3</sup>[fence] or wall, or may grant him permission to retain the same on such conditions as the commissioner may think necessary to prevent danger from fire.

(2) The commissioner 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 commissioner is of opinion that the means of egress from any <sup>2</sup>[structure] are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the <sup>4</sup>[standing committee], by notice, require the owner or occupier of the <sup>2</sup>[structure] to alter or reconstruct any staircase in such manner or to provide such additional or emergency staircase as he may direct; and when any <sup>2</sup>[structure], booth or tent is used for purposes of public entertainment he

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1 Substituted for the Words "endanger any person using a public or private street" by section 127 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

2 Substituted for the Words "building" by section 126 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

3 Inserted by section 127 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4 Substituted for "Circle committee concerned" by Tamil Nadu Act 22 of 1971.

may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number 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 the gangways, passages and staircases leading to the exit shall, during the presence of the public be kept clear of obstructions.

#### CONTROL OVER WATERS, ETC.

262. <sup>1</sup>[Omitted].

**263. Power to stop dangerous quarrying.**---If, in the opinion of the commissioner, 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 commissioner may, with the approval of the <sup>2</sup>[standing committee], by notice, 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.

**264. Power to order filling in of pools etc., which are a nuisance and regulation of agriculture within city.**---(1) If in the opinion of the commissioner ---

(a) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess pool, 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 commissioner may, by notice, require the owner or person having control thereof to fill up, cover over, weed, stock with larvicidal fish, treat with kerosene oil, drain or drain off the same in such manner and with such materials as the commissioner shall direct or to take such order with the same for removing or abating the nuisance as the commissioner shall direct.

(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 commissioner, within the time fixed for compliance therewith, written objections to such requisition, the commissioner shall report such objection to the <sup>2</sup>[standing committee] and shall make further inquiry into the case, and he shall not institute any prosecution <sup>3</sup>[\* \*] for failure to comply with such requisition except with the approval of the

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1 Omitted by section 85 of Tamil Nadu Act 28 of 1978.

2 Substituted for "circle committee concerned" by Tamil Nadu Act 22 of 1971.

3 Omitted by section 129 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

<sup>1</sup>[standing committee] but the commissioner may, nevertheless, if he deems the execution of the work called for such requisition to be of urgent importance, proceed in accordance with section 380 and pending the <sup>1</sup>[standing committee'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 commissioner shall determine, with the approval of the <sup>1</sup>[standing committee] whether the expenses of any work already done as aforesaid shall be paid by the owner or by the commissioner out of the municipal fund or shall be shared and, if so, in what proportions.

(3) On the report of the health officer that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the city is injurious to the public health, the council may, with the previous sanction of the <sup>2</sup>[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 practiced 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 such prohibition.

**265. Power to order cleansing of insanitary private water course, spring, tank, well, etc., used for drinking.**---<sup>3</sup>[(1) The commissioner may, by notice, require the owner or of person having control over any private water-course, spring, tank, well or other place the water of which is used for <sup>4</sup>[\* \* \*] bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice,]

(2) If the water of any private tank, well, or other place which is used for <sup>4</sup>[\* \* \*] <sup>5</sup>[bating or washing clothes, as the case may be, is proved to the satisfaction of the commissioner to be] unfit for that purpose, the commissioner 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.

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1. Substituted for "circle committee's disposal" by Tamil Nadu Act 22 of 1971.
  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. Substituted for original sub-section (1) by section 130 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Omitted the word "drinking" by section 85 of Tamil Nadu Act 28 of 1978.
  5. Inserted by section 130 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**266. Duty of commissioner in respect of public well or receptacle of stagnant water.**--If it appears to the commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleaned, drained, or filled up.

**267. Prohibition against, or regulation of washing animals or clothes or fishing in river or estuary.**--The commissioner may regulate or prohibit the washing of animals, clothes or other things or fishing in any river or estuary within the city in the interests of the public health.

**268.**<sup>1</sup>[Omitted].

### **CONTROL OVER ABANDONED LANDS, UNTRIMMED HEDGES, ETC.**

**269. 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 commissioner becomes a nuisance, the commissioner may, after due enquiry, by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

**270. removal of filth or noxious vegetation.**--- The commissioner may, by notice, require the owner or occupier of any building or land <sup>2</sup>[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 cleanse, clear or <sup>3</sup>[otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or growth] within twenty-four hours of such longer period and in such manner as may be specified in the notice.

<sup>4</sup>[**270-A. abatement of nuisance from dust, smoke, etc.**--- If in the opinion of the commissioner the storage, dumping or deposit in any building or land of coal, charcoal, ashes, cinders, gunny bags, wool, cotton or any material, or the shifting, breaking cutting or burning of such coal, charcoal, ashes, cinders or material or subjecting the same to any process, causes or is likely to cause nuisance to the inhabitants in the neighbourhood of such building or land, by the emanation of dust, floating particles, smoke, unwholesome smell, noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as may be specified in the notice for the abatement of such nuisance.]

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1 Omitted by section 85 of Tamil Nadu Act 28 of 1978.

2 Substituted for the words "Which is in a filthy or unwholesome state or overgrown with prickly-pear of other noxious vegetation" by section 131(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Substituted for the words "otherwise put the same in proper state" by section 131(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4 Inserted by section 132 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**271. Fencing of building or lands and pruning of hedges and trees.---**

The commissioner 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 commissioner ; 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 roadways as the commissioner may determine ; or

(c) cut and trim any hedges and 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.**

**272. Limewashing and cleansing of buildings.---**the commissioner 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 order.

**273. Further powers with reference to insanitary buildings.---**Whenever the commissioner 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 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 reconstruction, in which cases the corporation shall make reasonable 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 <sup>1</sup>[in such proportion to the increased value acquired by their respective buildings as may be determined by the commissioner].

(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.

**274. Buildings unfit for human habitation.--**(1) If any building, or portion thereof, intended for or used as a dwelling place appears to the commissioner to be unfit for human habitation, he may apply to the <sup>2</sup>[standing committee] to prohibit the further use of such building for such purpose, and the <sup>2</sup>[standing committee] may, after giving the owner and occupiers thereof 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 commissioner shall communicate the purport thereof to the owner and occupiers of the building 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 shall use or suffer it to be used for human habitation until the commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the <sup>1</sup>[standing committee] withdraws the prohibitions.

(3) When such prohibitory order has remained in operation for three months, the commissioner shall report the case to the <sup>1</sup>[standing committee] which shall thereupon consider whether the building should not be demolished. The <sup>1</sup>[standing committee] 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 <sup>1</sup>[standing committee] is of opinion that the building 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 thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitant of the neighbourhood, it shall record a decision to that effect, with the grounds of the decision, and the commissioner shall in pursuance of the said decision, by notice, require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the commissioner considers that it can be so made fit, the commissioner may postpone the execution of the decision of the <sup>1</sup>[standing committee] 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.

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1 Substituted for the words "in proportion to be increased value acquired by their own property" by section 133 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

2 Substituted for "central committee" by Tamil Nadu Act 22 of 1971.

**275. Abatement of over-crowding in dwelling-house or dwelling place.**---(1) If it appears to the commissioner that any dwelling house or other building which is used as a dwelling-place, or any room in any such dwelling-house or building, is so over-crowded 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 laid down in the said order, to abate such overcrowding by reducing the number of lodger, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The <sup>1</sup>[standing committee] may declare what amount of superficial ad 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 sub-let, the landlord of the lodgers, tenants or other actual inmates of the same shall, 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 obedience to any requisition made under sub-section (1).

#### GENERAL.

**276. Power of commissioner to use or sell materials of dangerous building taken down, etc.**---(1) When the commissioner takes down any building 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 or under section 380, the commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. if no such demand is made, such surplus shall be forfeited to the corporation.

(2) If after reasonable inquiry, it appears to the commissioner 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 wit the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land), or any portion thereof.

**277. Limitation of compensation.**---No person shall be entitled, save as provided in sections 264 and 273, to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this chapter.

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1 Substituted for "central committee" by Tamil Nadu Act 22 of 1971.

## CHAPTER XII.

### Licences and fees.

#### GENERAL PROVISIONS AS TO LICENCES.

**278. Exemption of Government from taking out licences.**--Nothing in this Chapter shall be construed as requiring the <sup>1</sup>[Central Government] or the <sup>2</sup>[State Government] to take out a licence in respect of any place in the occupation or under the control of <sup>3</sup>[such Government] or in respect of any property belonging to <sup>4</sup>[the government].

#### LODGING HOUSES.

<sup>5</sup>**[279. Prohibition in respect of lodging houses.**--(1) No person shall without or otherwise than in conformity with the terms of a licence granted by the commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, café, restaurant, refreshment room, or any place, where the public are admitted for repose or for consumption of any food or drink or any place where food is sold or prepared for sale :

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- 1 Substituted for the words "Government of India" by the Adaptation Order of 1937.
  - 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 Substituted for the words "the Government" by section 134 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  - 4 The words "the Crown" were substituted for the words "such Government" by the Adaptation Order of 193 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.
  - 5 Substituted for original section 279 by Section 135 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act of 1936).

<sup>1</sup>[provided that no such licence shall be required for a lodging house as defined in the <sup>2</sup>[Tamil Nadu] Public Health Act, 1939, if the keeper thereof been registered under that Act.]

**Explanation.**---“Lodging house” means a hotel, boarding house, choultry or rest-house other than a choultry or rest-house maintained by the Government or a local authority, unlicensed emigration depot or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment but does not include a students’ hostel under public or recognized control.

(2) The commissioner may, at any time, cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any by-law made under section 349 relating to such premises whether or not the licensee is prosecuted under this Act.]

### KEEPING OF ANIMALS <sup>3</sup>[AND BIRDS.]

**280. Prohibition in respect of keeping animals <sup>3</sup>[and birds] and feeding animals.**—No person shall ---

(a) Without the permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city ;

(b) Keep any animal <sup>3</sup>[or bird] on his premises so as to be a nuisance or so as to be dangerous ; or

(c) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

**281. Destruction of stray pig, dogs and monkeys.**---If any dogs <sup>4</sup>[or pigs] not taxed under section 116 <sup>5</sup>[or monkeys] are found straying, the same may be summarily destroyed by any person authorised in that behalf in writing by the commissioner.

**282. Licences for places in which animals are kept.**---(1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, <sup>6</sup>[shall apply to the

1 Inserted by section 2 of the Chennai City Municipal (Amendment) Act, 1942 (Tamil Nadu Act XV of 1942). 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 Substituted for the word “Madras” by the Adaptation of Laws order, 1969.

3 Added by section 136 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4 Inserted by section 71 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

5 Substituted for the words “or pigs” by section 71 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

6 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 commissioner for a licence’ by section 2 of the Chennai City Municipal (Second Amendment) Act, 1941 (Tamil Nadu Act VII of 1941) 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).

commissioner for a licence not less than forty-five 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 commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence :

<sup>1</sup>[provided that this section shall not apply to any place licensed as a place of public entertainment or resort under the <sup>2</sup>[Tamil Nadu} places of Public Resort Act, 1888.]

(3) No person shall, without or otherwise than in conformity with a licence use any place <sup>3</sup>[or allow any place to be used] for any such purpose.

**283. 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 commissioner as regards their site, construction materials and dimensions.

(2) The commissioner 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 or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

**284. Power to direct discontinuance of use of building as a 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 commissioner may by notice, direct that the same shall no longer be used as a stable, cattle-shed or cow-house, Every such notice shall state in grounds on which it proceeds.

<sup>4</sup>[LANDING PLACES, CART-STANDS, ETC.]

<sup>4</sup>[**285. provision of landing places, cart-stands, etc.---**(1) the commissioner may construct or provide public landing places, halting places, cart-stand, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the <sup>5</sup>[standing committee] may fix.

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1 Added by section 137 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for the word "Madras" by Adaptation of laws Order, 1969.

3 Inserted by section 137 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4 Substituted by section 138 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

5 Substituted for "central Committee" by Tamil Nadu Act 22 of 1971.

**Explanation.**--A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the <sup>1</sup>[Motor vehicles Act, 1939] and animals.

(2) A statement of the fees fixed by the <sup>2</sup>[standing committee] for the use of each such place, shall be put up in <sup>3</sup>[English and Tamil] in a conspicuous part thereof.

(3) The commissioner may farm out the collection of such fees for any period not exceeding three years at a time, on such terms and conditions as he may think fit.]

**<sup>4</sup>[285-A. Prohibition of use of public place or sides of public street as cart-stand, etc.]**--where the commissioner has provided a public landing place, halting place, cart-stand, cattle-shed, or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the <sup>2</sup>[standing committee] of any public place or the sides of any public street :

<sup>5</sup>[Provided that nothing contained in this section shall be deemed to authorise the commissioner to prohibit the use of any place in the city by the State Government as a stand solely for motor vehicles belonging to the Transport Department of the State Government.]

**<sup>4</sup>[285-B. Recovery of cart-stand fees, etc.]**--(1) If fee leviable under sub-section (1) of section 285 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 cart, carriage, motor 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 their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorized to receive and sell such property and the commissioner shall forthwith give notice to the owner of the property seized, or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or

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1. Now refer Motor Vehicles Act, 1988 (Central Act 59 of 1988).
  2. Substituted for "central committee" by Tamil Nadu Act 22 of 1971.
  3. Substituted for the words English, Tamil, Telugu and Hindustani by section 72 (ii) of the (Tamil Nadu Act 56 of 1961).
  4. Substituted by section 138 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1961).
  5. Added by section 73 of the Tamil Nadu Act 56 of 1961.

publication of such notice, the property will be sold in 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 the expenses incurred in connection with the seizure, detention and proposed sale is tendered to the commissioner or other person authorized as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof 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 commissioner may direct; and

(iii) the expenses incurred in connection with the seizure, detention and sale.

(5) If, after making the payment referred to in sub-section(4), there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.]

**<sup>1</sup>[285-C. 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 commissioner a licence to do so.**

(2) Applications for such license shall be made by the owner of the place in respect of which the licence is sought <sup>2</sup>[not less than forty-five 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.

(3) The commissioner shall, as regards private cart-stands already lawfully established and may, at his discretion as regards new private cart-stands, grant the licence applied for subject to such regulations as to supervision and inspection as to conservancy as he may think proper, or he may refuse to grant any such licence for any new private cart-stand. The commissioner may, at any time, for breach of the conditions suspend or cancel any licence which has been granted under this section. The commissioner may also modify the conditions of the licence to take effect from a specified date.

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1 Substituted by section 138 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for the words "not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year" by section 3 of the Chennai City Municipal (Second Amendment) Act 1941 (Tamil Nadu Act VII of 1941).re-enacting 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).

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and <sup>1</sup>[Tamil] 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) The commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum :

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.]

### <sup>2</sup>[CARCASSES OF ANIMALS.]

**286. Removal of carcasses of animals.--**(1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found. and the person, having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either----

(a) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commissioner in that behalf, or

(b) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal of such amount as shall be fixed by the commissioner, shall be paid by the owner of the animal or, if the owner is known, by the occupier of the premises in or upon which, or by the person in whose charge, the animal died.

### <sup>3</sup>INDUSTRIES AND FACTORIES.

**287. purposes for which places within the limits of the city or within three miles thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.--**(1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule VI without a licence obtained from the commissioner and except in accordance with the conditions specified therein ;

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1 Substituted for the Words “a vernacular language of the locality” by section 74 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Inserted by section 139 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Substituted for “Depots for combustibles” by section 143 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).



<sup>1</sup>[Provided that no such licence shall be required for the use of any place for a lodging house as defined in the <sup>2</sup>[Tamil Nadu] Public Health Act, 1939 if the keeper thereof has been registered under that Act.]

(2) The commissioner shall, if so required by the council, publish a notification in the <sup>3</sup>[Official Gazette] and in two or more local newspapers that any place at a distance within three miles of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule VI without a licence obtained from the commissioner and except in accordance with the conditions specified therein :

Provided that no such notification shall take effect---

(a) unless the sanction of the <sup>4</sup>[State Government] has been obtained therefore ; and

(b) until the expiry of thirty days from the date of its publication in the <sup>3</sup>[official gazette.]

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the commissioner for such licence <sup>5</sup>[not less than forty-five and not more than ninety days] before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the <sup>3</sup>[official Gazette], as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

<sup>6</sup>[(5) (a) On receipt of any such application as is referred to in sub-section (3), the commissioner may subject to the provisions of clauses (b) and (c), grant the licence specifying therein such conditions as he may think fit to impose in accordance with the rules, if any, made by the State Government in this behalf or refuse to grant the same.

(b) Before granting or refusing a licence under clause (a), the commissioner shall cause a full and complete investigation to be made in prescribed manner in respect of the application and shall have due regard to---

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1 Inserted by section 7 of the Tamil Nadu Public Health (Amendment) Act 1959 (Tamil Nadu Act VIII of 1959).

2 Substituted for the word "Madras" by Adaptation of Laws Order , 1969.

3 Substituted for the word "Fort St. George Gazette" by the Adaptation Order of 1937.

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 Substituted for the words "not less than thirty days" by Section 4 of the Chennai City Municipal (Second Amendment) Act, 1941 (Tamil Nadu Act VIII of 1941), 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 and 1948).

6 Substituted by section 75 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

(i) the suitability of the place in respect of which the license is applied for ;

(ii) the possibility of any danger to life or health or property or the likelihood of any nuisance being created either by reason of the manner in which or by the conditions under which the place is proposed to be used or by the nature of such use ;

(iii) the provisions of other Acts, if any, and the rules and by-laws made thereunder, regulating the use of places for the purpose for which a licence is applied for under this Act ; and

(iv) such other matters as may be prescribed.

(c) If the commissioner is satisfied either on a reference made to him in this behalf or otherwise that---

(i) a license granted under clause (a) has been obtained by misrepresentation as to an essential fact, or

(ii) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the commissioner may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence.

(d) Subject to any rules that may be made in this behalf by the <sup>1</sup>[State] Government, the commissioner may also vary or amend a licence granted under clause (a).]

(6) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made <sup>2</sup>[not less than forty-five and not more than ninety days] before the commencement of the year for which the renewal is sought.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the municipal council or local board competent to issue a notification in respect of such place under sub-section (1) of section 249 of the <sup>3</sup>[Tamil Nadu] District Municipalities Act, 1920, or sub-section (1) of section 193 of <sup>4</sup>[the <sup>3</sup>[Tamil Nadu] Local Boards

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1 Substituted for the word "Provincial" by the Adaptation Order, 1950.

2 Substituted for the words "not less than thirty days" by section 4 of the Chennai City Municipal (Second Amendment) Act, 1941 (Tamil Nadu Act VIII of 1941), 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 and 1948).

3 Substituted for the word "Madras" by the Adaptation of Laws Order, 1969.

4 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920).

Act, 1920], as the case may be, such proportion of the fee received by the corporation for the grant or renewal or such licence as the <sup>1</sup>[State Government] may, by general or special order, determine.

(9) No notification under sub-section (1) of section 249 of the <sup>2</sup>[Tamil Nadu] District Municipalities Act, 1920, or sub-section (1) of section 193 of <sup>3</sup>[the <sup>2</sup>[Tamil Nadu] Local Boards Act, 1920], shall notwithstanding anything contained in those Acts, take effect in any area within three miles of the limits of the city except with the previous sanction of the <sup>1</sup>[State Government.]

**288. <sup>4</sup>[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 electric power, or

(b) to install in any <sup>5</sup>[place] any machinery or manufacturing plant driven by steam, water, electric or other power <sup>6</sup>[as aforesaid, not being machinery or manufacturing plant exempted by rules,

shall before beginning such construction], establishment or installation, make an application in writing to the commissioner for permissions to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by---

(a) 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 <sup>1</sup>[State Government] ; and

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

2 Substituted for the word "Madras" by Adaptation of Laws Order, 1969.

3 Now the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920). (see notes u.s.309)

4 Sections 287 to 289-D were substituted for original section 287 to 290 and the heading to section 290. viz., "Depots for Combustibles" by section 140 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

under Section 5-A (i) of the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of the Chennai City Municipal Act, 1919 (Tamil Nadu Act IV of 1919), 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 instal any machinery in any place where cinematograph exhibitions are proposed to be given.

5 Substituted for the words "Premises" by section 76 of the Chennai City municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

6 Substituted for the word "as aforesaid shall before beginning such construction" by section 3 (i) of the Chennai City Municipal (Amendment) Act, 1942 (Tamil Nadu Act XV of 1942) 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).

(b) Such particulars as to the power, machinery, plant or premises as the council may require by by-laws made in this behalf.

(3) The commissioner 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 he thinks fit to impose, or

(b) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause a nuisance.

(4) Before granting permission under sub-section (3), the commissioner----

(a) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, obtain the approval of the Inspector of factories appointed under the <sup>1</sup>[Factories Act, 1934], having jurisdiction in the city or if there is more than one such inspector of the inspector designated by the <sup>2</sup>[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 the case of fire, and

(iv) such other matters as may be prescribed by rules made by the <sup>2</sup>[State Government], and

(b) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment or unless fresh permission authorizing such employment has been obtained from the commissioner. Before granting such fresh permission, the commissioner shall

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1 See now the Factories Act, 1948 (Central Act LXIII of 1948).

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.

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.

<sup>1</sup>[(7) 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 or sections 234 and 236 or sections 248 and 249, as the case may be.]

<sup>2</sup>[(8) 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 commissioner, permission shall be deemed to have been granted subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed.

(9) Nothing contained in clause (a) of sub-section (4) and sub-section (6) shall apply if the approval to the factory, workshop, 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.]

<sup>3</sup>**[289. Commissioner 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 electric power is used, nuisance is in the opinion of the commissioner caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the commissioner may---

(a) prohibit the use of the particular kind of fuel ; or

(b) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 6 P.M. and 6 A.M. or during any particular time or times between such hours.]

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1 Substituted by section 3 (ii) of the Chennai City Municipal (Amendment) Act, 1942 (Tamil Nadu Act XV of 1942),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 Added by Tamil Nadu Act 39 of 1974.

3 Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Depots for combustibles" by section 140 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>1</sup>**[289-A. Power of commissioner to require owner of factory, workshop, etc. to put and maintain the factory, workshop, etc., in a cleanly state.**--- whenever it shall appear to the commissioner that any factory, workshop, work-place or any building or place in which steam, water or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which in the opinion of the commissioner is a nuisance or is so overcrowded while work is carried on as to be dangerous or injurious in the opinion of the commissioner to the health of the persons employed therein, or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the commissioner may, by written notice, require the owner of such factory, workshop, work-place or other building or place to take such order as he thinks fit for putting a maintaining the said factory, workshop, work-place or other building or place in a cleanly state or for ventilating the same or for preventing the same from being over-crowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

**Explanation.**--- Nothing in this section shall be deemed to affect any of the provisions of the Indian Boilers Act, 1923, or to authorize the commissioner to issue an order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the <sup>2</sup>[Factories Act, 1934], are applicable.

<sup>1</sup>**[289-B. Power of commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory, etc.**---Whenever it shall appear to the commissioner that any factory, workshop or work-place or any building or any building or any place in which steam, water or other mechanical or electric power is employed is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood, he may, by written notice, require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purpose that may be specified in such notice.]

<sup>1</sup>**[289-C Commissioner may enter any factory, workshop or work-place.**---(1) The commissioner or any person authorized by him in this behalf may enter any factory, workshop or work-place---

(a) at any time between sunrise and sunset,

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1 Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., "Deports for combustibles" by section 140 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 See now the Factories Act, 1948 (Central Act LXII of 1948).

(b) at any time when any industry is being carried on, and

(c) at any time by day or night if he has reason to believe that any offence is being committed against sections 288, 289, 289-A or 289-B.

(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 the force necessary for the purpose of effecting an entrance under this section.]

<sup>1</sup>[**289-D. Power of State Government to pass orders or give directions to commissioner.**---The <sup>2</sup>[State Government] may either generally or in any particular case make such order to give such directions as they may deem fit in respect of any action taken or omitted to be taken under sections 288, 289, 289-A or 289-B.]

<sup>1</sup>[\* \* \*]

<sup>1</sup>[**290.** Omitted].

#### WASHING AND BATHING.

**291. Provision of place for bathing and for washing animals.**---The council shall set apart place for use by the public for bathing purposes and for washing animals.

**292. Provision of public bathing –houses, wash-houses, etc.**—The commissioner may construct or provide and maintain <sup>3</sup>[public bathing-houses], public wash-houses or places for the washing of clothes, and may <sup>3</sup>[bathing-houses], wash-house or place as the <sup>5</sup>[standing committee] may determine. <sup>6</sup>[Such rents and fees shall be recoverable in the same manner as the property tax.]

(2) The commissioner 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 he may think fit.

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1 Sections 287 to 289-D were substituted for original sections 287 to 290 and the heading to section 290, viz., Depots for combustibles” by section 140 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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 inserted by section 141 (i) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

4 These words were substituted for the words “require the payment of such rents and fees” by section 141 (i) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

5 Substituted for “Central committee” by Tamil Nadu Act 22 of 1971.

6 This sentence was added by section 141 (i) (c) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(3) If a sufficient number of public wash-house or places be not maintained under sub-section (1), the commissioner may, without making any charge therefore, appoint suitable places for the exercise by washermen of their calling.

<sup>1</sup>[(4) In public wash-houses, the clothes of persons suffering from infectious disease and of persons residing in the premises occupied by the person suffering from such disease shall be washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the commissioner may lay down in that behalf.]

**293. Prohibition against washing by washermen at unauthorized places.**---(1) The commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at---

(a) Public wash-houses or places maintained or provided under section 292 ; or

(b) such other places as he 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 public wash-house or a place maintained or appointed under his Act ;

Provided that this section shall apply only to clothes washed within or to be brought within the city.

#### SLAUGHTER-HOUSES.

**294. Provision of municipal slaughter-houses.**---(1) The council shall provide a sufficient number of places for use as municipal slaughter-houses and <sup>2</sup>[the commissioner may charge and levy such rents and fees for their use and the <sup>3</sup>[standing committee] may determine. Such rents and fees shall be recoverable in the same manner as the property tax.]

(2) The commissioner 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 he may think fit.

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1 This sub-section was added by section 141 (ii) of the Chennai City Municipal (Amendment) Act, 1936(Tamil Nadu Act X of 1936).

2 These words were substituted for the words “the commissioner with the approval of the standing committee, may charge such rents and fees for their use as he may think fit” by section 142 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.



(3) Municipal slaughter-houses may be situated within, or with sanction or the <sup>1</sup>[State Government]. without the city.

**295. Licences for slaughter-houses.**---<sup>2</sup>[(1) the owner of any place within the limits of the city 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 carcasses <sup>3</sup>[shall apply to the commissioner for a licence not less than forty-five 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] :

Provided that this sub-section shall not take effect in any area outside the limit of the city except with the previous sanction of the <sup>1</sup>[State Government].

(2) the commissioner may, by an order, and subject to such restrictions and regulations as to supervision and inspection as he thinks, fit, grant or refuse to grant such licence.

**296. Slaughter of animals during festivals and ceremonies.**—The commissioner 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.

**297. Slaughter of animals for sale or food.**—No person shall slaughter within the city <sup>4</sup>[except in municipal or licenced slaughter house] any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcasses without licence from the commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

**298. Slaughter of animals for religious ceremonies.**--The commissioner may authorize 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.

**299. Regulation of milk trade.**--(1) No person shall without or otherwise than in conformity with a licence from the commissioner---

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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 sub-section was substituted for the original sub-section (1) by section 143 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 These words substituted for the words "shall not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before to opening of the same, apply to commissioner for a licence" by section 5 of the Chennai City Municipal (Second Amendment) Act, 1941 (Tamil Nadu Act VII of 1941). 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).

4 Inserted by section 144 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(a) <sup>1</sup>[carry on or be employed in] the trade or business of a dealer in or seller or hawker of milk or dairy produce <sup>2</sup>[within the city] ;

(b) use any place in the city for the sale of milk or dairy produce :

<sup>3</sup>[Provided that no such licence shall be given to any person who is suffering from a dangerous disease :

Provided further that such licence shall be deemed to have been suspended while the person to whom it is granted is suffering from a dangerous disease].

(2) Such licence may be refused or may be granted either unconditionally or <sup>4</sup>[on such conditions as the commissioner may deem necessary. Such conditions may relate to the construction, ventilation, conservancy, supervision and conditions may relate to the construction, ventilation, conservancy, supervision and inspection of the premises whether within or without the limits of the city where the animals from which the milk—supply is derived are kept.]

#### MARKETS, BUTCHERS' SHOPS, ETC.

**300. Public markets.--**All markets which are <sup>5</sup>[acquired], constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

**301. Powers of municipal authorities in respect of public markets.--**  
(1) The council may provide places for use as public markets.

<sup>6</sup>[(2) The commissioner may in any public market charge and levy and one or more of the following fees at such rates as the <sup>7</sup>[standing committee] may determine and may place the collection of such fees under the management of such person as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he 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 shall, pens or stands in such markets ;

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1 Substituted for the words “carry on within the city” by section 145 (i), of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

2 Added by Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

3 Added by section 145(ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

4 Substituted for the words “upon the condition laid down by the commissioner” by section 145 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

5 Inserted by section 146 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

6 substituted by section 147 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936.)

7 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

(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 measurers practicing their calling in such markets.

(3) such fees shall be recoverable in the same manner as the property tax.

(4) The council may, with the sanction of the <sup>1</sup>[State Government], close any public market or part thereof.]

<sup>2</sup>**[302. Commissioner's control over public market.---**(1) No person shall, without the permission of the commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 308 or any by-law made under section 349 or who commits default in payment of the fees leviable under section 301 may, after three clear days' notice, be summarily removed from such market by any municipal officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 301 and the expenses, if any, which the corporation may incur in such removal.]

**303. Establishment of private markets.---**(1) The council shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for sale animals intended for human food or any article of human food shall be permitted in the city or any specified part of the city.

<sup>3</sup>(2) (a) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the commissioner with the sanction of the <sup>4</sup>[standing committee] which shall be guided in giving or refusing sanction, by the resolutions of the council passed under sub-section (1).

(b) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought <sup>5</sup>[not less than forty-five and not more than ninety days], before such place is opened as a market.]

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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 Substituted by section 148 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 1936).

3 Substituted by section 149 of the (Tamil Nadu Act X 1936).

4 substituted for "central committee" by Tamil Nadu Act 22 of 1936.

5 Substituted for the words "not less than thirty days" by section 6 of the Chennai City Municipal (Second Amendment) Act, 1941 (Tamil Nadu Act VII of 1941). 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.)

**304. Licensing of private markets.--**(1) No Person shall without or otherwise than in conformity with an annual licence granted by the commissioner in this behalf continue to keep open a private market, Application for the renewal of the licence shall be made <sup>1</sup>[not less than forty-five and not more than ninety days before the commencement of the year for which licence is sought.]

(2) The commissioner may by an order, <sup>2</sup>[subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, <sup>3</sup>[\* \* \*] width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets] as he thinks fit----

(a) grant or refuse to grant or renew such licence, or

(b) withhold the licence until the owner or occupier executes such works as may be specified in the order :

Provided that the commissioner shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Act or some regulation made under section 308 or some by-law made under section 349, <sup>4</sup>[\* \* \*].

(3) The commissioner shall cause a notice that the market has been so licensed to be affixed in English and in <sup>5</sup>[Tamil] in some conspicuous place at or near the entrance to every such market.

(4) The commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and <sup>6</sup>[Tamil] to some conspicuous, place at or near the entrance to the premises.

<sup>7</sup>[**304-A. Period of licence.--**Every licence granted under section 303 or section 304 shall expire at the end of the year for which it is granted.]

<sup>7</sup>[**304-B. Licence fee for private markets.--**When a licence granted under section 304 permits the levy of any fee or fees, of the nature specified in sub-section (2) of section 301, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the commissioner for such licence.]

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1 Substituted for the words "in the first month of every year" by section 150(i) of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Substituted for the words "Subject to such restrictions and regulations" by Section 150 (ii) of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Omitted for "Water -supply" by Section 85 of Tamil Nadu Act 28 of 1936).

4 Omitted for the words "or without the approval of the standing committee" by section 77(i) of the Chennai city Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

5 Substituted for the words "two regional languages" by section 77(ii) of the Chennai city Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

6 Substituted for the words "two vernacular languages" by section 77 (iii) of the Chennai city Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

7 Inserted by section 15 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**305. Sale in unlicensed private market.**--It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

**306. Powers of commissioner in respect of private markets.**--The commissioner may, by notice, require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to---

(a) construct approaches, entrances, passages, gates drains and cesspits for such market and provide it with latrines <sup>1</sup>[of such description and in such position and number as the commissioner 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 commissioner secure imperviousness and ready cleansing ;

(d) provided passages of sufficient width between the stalls <sup>3</sup>[and make such alternation in the stalls, passages, shops, doom or other parts of the market as the commissioner may direct] ; and

(e) Keep it in a cleanly and proper state and for removing all filth and rubbish therefrom.

**307. Suspension or refusal of licence I default.**--(1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 306, the commissioner may <sup>4</sup>[\* \* \*] 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.

**308. Power of commissioner to make regulations for markets bazaars, slaughter-houses and places set apart for sacrifice of animals.**--The commissioner may, with the approval of the <sup>5</sup>[standing committee] make regulations, not inconsistent with any provision of this Act, or of any by-law made under section 349---

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1 Inserted by section 15 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Inserted by section 152 (ii) of Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Inserted by section 152 (iii) of Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4 Omitted for the Words "with the sanction of the standing committee" by section 78 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

5 Substituted for "central committee" by Tamil Nadu Act 22 of 1971.

(a) for preventing nuisances or obstruction in any market-building market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar ;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept for use ;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 296 in a cleanly and proper state, and for removing filth and rubbish therefrom ;

(d) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated, and be provided with a sufficient supply of water ;

(e) requiring that, in market-buildings, market-places, ad bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public ; and

(f) requiring that in market-buildings, market-places, and bazaars separate areas be set for different classes of articles.

**<sup>1</sup>[308-A. Acquisition of rights of private persons to hold private markets.---**(1) The council may acquire the rights of any persons to hold a private market in any place and to levy fees therein. the acquisition shall be made under the land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the 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 such market and to levy fees therein shall vest in the council.]

**<sup>1</sup>[308-B. Duty of expelling lepers, etc., from markets and power to expel disturbers.---**The person in charge of a market shall prevent the entry therein of and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from 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.]

**309. Butcher's, fishmonger's and poulterer's licence.----**<sup>2</sup>[(1) No person shall without or otherwise than I conformity with a licence from the

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1 Inserted by section 153 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Renumbered by section 154(1) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of <sup>1</sup>[flesh, fish or poultry intended for human food---

(a) in any place within the limits of the city ;or

(b) in any place within three miles of such limits and not included in any municipality constituted under the <sup>2</sup>[Tamil Nadu] District Municipalities Act,1920 :]

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 air-tight and hermetically sealed receptacles :

<sup>3</sup>[Provided further that no licence shall be required for any place included in a public market under the <sup>2</sup>[Tamil Nadu] District Boards Act, 1920 (<sup>2</sup>[Tamil Nadu] Act XIV of 1920), the <sup>2</sup>[Tamil Nadu] Village Panchayats Act, 1950 (<sup>2</sup>[Tamil Nadu] Act X of 1950) or the <sup>2</sup>[Tamil Nadu] Panchayats Act, 1958 ( <sup>2</sup>[Tamil Nadu] Act XXXV of 1958).]

### NOTES

According to section 254(iv) of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), any reference to the Tamil Nadu District Boards Act, 1920 or the Tamil Nadu Village Panchayats Act, 1950 or the Tamil Nadu Panchayats Act 1958, shall be deemed to be a reference to the Tamil Nadu Panchayats Act, 1994.

<sup>4</sup>[(2) The commissioner 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 for which it is granted or at such earlier date as the commissioner may, for special reasons, specify I the licence.]

**310. Power to prohibit or regulate sale of animals, birds or articles in public streets.**---The commissioner may, with the sanction of the <sup>5</sup>[standing committee], prohibit by public notice or licence or regulate the sale or exposure for sale, of any <sup>6</sup>[animal, bird or article] in or any public street or part thereof.

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1 Substituted for the Words “flesh or fish intended for human food” by Section 154(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tami Nadu Act X of 1936).

2 Substituted for the Words “Madras” by Adaptation of laws Order 1969.

3 Substituted by section 79 of the Chennai City Municipal (Amendment) Act, 1961 (Tami Nadu Act 56 of 1961).

4 Added by section 154(2) of the Chennai City Municipal (Amendment) Act, 1936 (Tami Nadu Act X of 1936).

5 Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

6 Substituted for the word “articles” by section 155 of the Chennai City Municipal (Amendment) Act, 1936 (Tami Nadu Act X of 1936).

<sup>1</sup>**[310-A. Decision or 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 live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the commissioner shall make a reference to the <sup>2</sup>[State Government] and the decision of the <sup>2</sup>[State Government] on the question shall be final.

#### INSPECTION OF PLACES FOR SALE, ETC.

**311. Duty of commissioner to inspect.**—It shall be the duty of the commissioner 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 of preparation for sale.

**312. Powers of commissioner for purposes of inspection.**---(1) The Commissioner or any person authorised 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 article.

(2) If the commissioner or any person so authorized by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is 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 law, by-laws, or regulations or any condition of licence is being contravened.

(3) No claim shall lie against the commissioner or any person acting under his authority or the corporation for any damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any 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.

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1 Inserted by section 156 of the Chennai city Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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.



**313. Preventing inspection by commissioner.**----No person shall, in any manner whatsoever, obstruct the commissioner or person duly authorized by him in the exercise of his powers under last preceding section.

**314. Power of commissioner to seize diseased animal, noxious food, etc.**---If it appears to the commissioner or a person duly authorised by him ---

(a) that any animal, poultry or fish intended for food is diseased, or

(b) that any article of food is noxious, or

(c) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious,

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

**Explanation.**---Meat subjected to the process of blowing shall be deemed to be noxious.]

**315. Removing or interfering with articles seized.**--No person shall remove or in any way interfere with anything secured under the last preceding section.

**316. Power to destroy article seized.**--(1) When any animal, poultry, fish or other article of food <sup>2</sup>[or any utensil or vessel] is seized under section 314, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, <sup>3</sup>[\* \* \*] and if the article is perishable, without such consent.

(2) any expense incurred destroying anything under sub-section (1) shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

**317. Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.**--(1) Articles of food, animal, poultry, fish, utensils, or vessels seized under section 314, and not destroyed under section 316 shall, as soon as possible, be produced before a magistrate.

(2) whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act, if 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 314, he may order other same,--

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1 Substituted by section 157 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 Inserted by section 158 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3 Omitted for the words "In such manner as to prevent its being used for human food or exposed for sale" by section 158(ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(a) to be forfeited to the corporation.

(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 of used for human food or for the manufacture or preparation of, or for containing, any such articles aforesaid.

#### DISPOSAL OF THE DEAD.

**318. Registration or closing of ownerless places for disposal of dead.**--If it appears to the commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the council, close it.

**319. Licensing of places for disposal of dead.**--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 commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the commissioner may require.

(3) The commissioner may, with the sanction of the council.---

(a) grant or refuse a licence, or

(b) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

**320. Provision of burial and burning grounds and crematoria within or without the city by the corporation.**--(1) The council may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria either within or <sup>1</sup>[with the sanction of the <sup>2</sup>[State Government]] without the limits of the city and may <sup>3</sup>[Charge and levy rents and fees]for the use thereof.

(2) if the corporation provide any such place without the limits of the city, all the provisions of this Act and all by-laws framed under this Act of the management of such places within the city shall apply to such place and all offences against such provisions or by-laws shall be cognizable by the presidency magistrates as if such place were within municipal limits.

**321. Register of registered, licensed and provided places and prohibition of use of other places.**--(1) a book shall be kept at the municipal

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1 Inserted by section 159 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2 These 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 Substituted for the words "charge rents and fees" by Section 159 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

office in Which the places registered, licensed or provided under section 318, section 319 or section 320, 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 <sup>1</sup>[in Tamil] to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commissioner shall annually publish a list of all places registered, licensed, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

**322. 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 the officer, if any, appointed by the commissioner in that behalf.

**323. Prohibition against making of vault or grave in place of worship.**---No person shall make a vault or grave or cause any corpse to be buried within the walls of or underneath any place of public worship :

Provided that in the case of an existing vault, the commissioner may, subject to the general or special orders of the <sup>2</sup>[State Government], authorize the burial in such vault of near relatives of the family to whom it belongs.

**324. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.**--- (1) If the commissioner is of opinion---- <sup>3</sup>[(a) that any registered or licensed place for the disposal of the dead or any place provided for such disposal by the council or by the <sup>2</sup>[State Government] 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 public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may, with the consent of the council and the previous sanction of the <sup>1</sup>[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.

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1 Substituted for the words "in at least one vernacular language" by section 80 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 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 Substituted by section 160 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) Every notice given under sub-section (1) shall be published and a translation thereof <sup>1</sup>[in Tamil] shall be affixed to some part of such place.

(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 except with the permission of the commissioner.

**<sup>2</sup>[325. Prohibition 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 commissioner 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

(e) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothing 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 city 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.]

**<sup>3</sup>[325-A. Fencing, etc., of private burial ground.---The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the commissioner.]**

**326. Grave –digger’s 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 commissioner.

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1 Substituted for the words “in at least one vernacular language” by section 81 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

2 Substituted by section 161 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act x of 1936).

3. Inserted by section 162 of Tamil Nadu Act X of 1936.

## <sup>1</sup>CHAPTER-XII-A.

**326-A. Definition.**---In this Chapter, “hoarding means any screen of boards 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.

**326-B. Prohibition for erection of hoardings.**--(1) No hoarding shall be erected at any place, on or after the 23<sup>rd</sup> day of July, 1998 (hereafter in this section referred to as the said date) by any person without obtaining a licence from the <sup>2</sup>[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 for a licence in accordance with the provisions of this Chapter within thirty days from the said date.

**326-C. Application for licence.**--(1) Every application for licence under this Chapter shall be made to the <sup>2</sup>[District Collector] in such form, containing such particulars and with such fee, as may be prescribed.

(2) The <sup>2</sup>[District Collector] may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.

(3) The <sup>2</sup>[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.

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1 This Chapter was inserted by Tamil Nadu Act 51 of 1998.

2 Substituted for the word “Commissioner” by Tamil Nadu Act 19 to 2003.

(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.

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

**<sup>1</sup>[326-CC. Tax on advertisement on hoardings.--(1)** Notwithstanding anything contained in this Act, every person, who is granted licence under section 326-C shall pay, on every advertisement on hoardings, a tax calculated at such rates as may be prescribed, having regard to the location, size, reach and nature of the advertisement but subject to the maxima and minima specified in the table below.---

THE TABLE

Location and Nature (1)	Rates of tax per square metre per half-year (Rupees). (2)	
	Minimum	Maximum
1. Hoardings in arterial road with bus route----		
(a) without lighting	250	400
(b) with ordinary lighting	300	600
(c) with neon or mercury lighting	350	700
2. Hoardings in main road with bus route---		
(a) without lighting	180	300
(b) with ordinary lighting	230	400
(c) with neon or mercury lighting	280	500
3. Hoardings in other road or street---		
(a) without lighting	120	200
(b) with ordinary lighting	150	300
(c) with neon or mercury lighting	200	400

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

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1 Inserted by Tamil Nadu Act 19 of 2003.

**326-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 <sup>1</sup>[District Collector] may at any time, by order in writing, cancel or suspend any licence granted or renewed under section 326-C, if ---

(a) such licence has been obtained by fraud, mis-representation 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 canceling or suspending a licence under sub-section (1), the <sup>1</sup>[District Collector] shall give the licensee, an opportunity of making his representation.

**326-E. Removal of unauthorized hoarding.--**Any hoarding erected without a licence shall be confiscated and removed by the <sup>1</sup>[District Collector], without giving any notice.

**326-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 <sup>1</sup>[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 <sup>1</sup>[District Collector] shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

**326-G. Exemption.--**Nothing contained in this Chapter shall apply to any hoarding 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 hoarding 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

(ii) the name of the land or building, upon or over which the hoarding 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 hoarding as may be prescribed.

**326-H. Appeal.—**(1) An appeal shall lie to the <sup>2</sup>[State Government] from an order of refusal to grant or renew a licence or canceling or suspending a licence by the <sup>1</sup>[District Collector] under this Chapter within thirty days from the date of receipt of the order.

---

1 Substituted for the word "Commissioner" by Tamil Nadu Act 19 of 2003.

2 Substituted for the word "Standing Committee" by Tamil Nadu Act 19 of 2003.

(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 <sup>1</sup>[State Government] may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such order as it deems fit.

**326-I. Penalty.**—Whoever contravenes any of the provisions of this chapter or any rule of order made thereunder or obstructs lawful exercise of 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.

<sup>2</sup>**[326-J. Prohibition of erection of certain hoardings.**---Notwithstanding anything contained in this Act or in any other law for the time being in force or in any judgement, 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 <sup>3</sup>[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 <sup>3</sup>[District Collector] shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

(b)(i) Where the <sup>3</sup>[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 326-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 <sup>3</sup>[District Collector] without any notice.]

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1 Substituted for the words “Standing Committee” by Tamil Nadu Act 19 of 2003.

2 Inserted by Tamil Nadu Act 26 of 2000.

3 Substituted for the word ‘Commissioner’ by Tamil Nadu Act 19 of 2003.



## CHAPTER XIII.

### Vital Statistics and the Prevention of Disease.

#### VITAL STATISTICS.

**327. Compulsory registration of vital statistics.**—(1) The corporation shall register all births and deaths occurring in the city.

(2) <sup>1</sup>[Information of births and deaths shall be given and their registration] shall be made and enforced in the prescribed manner.

<sup>2</sup>[328. Omitted].

#### DANGEROUS DISEASES.

**329. Power to notify “dangerous disease”.**—The <sup>3</sup>[State Government] may, by notification, declare any epidemic, endemic or infectious disease <sup>4</sup>[not already notified under clause (10) of section 3] to be a “dangerous disease” for the purpose of this Act.

**330. Obligation of medical practitioner or owner or occupier to report dangerous disease.**—(1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the

- 
1. Substituted for the words “Such registration” by section 163 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted by section 164 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  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 “not already specified in sub-clause (a) of section 3, clause (10)” by section 82 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu X of 1936).

city, he shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the commissioner may require.

(3) The commissioner 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 commissioner may, prescribe, of all deaths from or occurrences of dangerous disease in his house.

**Explanation.**—Sub-sections (1) and (2) shall apply to hakim or a vaidyan.

**331. Power of entry into suspected places.**—The commissioner <sup>1</sup>[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, <sup>2</sup>[and except in case where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any government or municipal medical institution intended for the treatment of patients suffering from such disease, and take such other measures] as he may think fit to prevent the spread of such disease.

#### **PREVENTION OF INFECTION.**

**332. Provision of conveyances for carriage of patients.**—The commissioner may provide and maintain suitable conveyance for the free carriage of persons suffering from any dangerous disease.

**333. Power to order removal of patients to hospital.**—(1) If, in the case of any person in hospital. It appears to the officer in charge of it that such person is suffering from a dangerous disease or if, in the case of any other person it appears to the health officer or assistant health officer <sup>3</sup>[whether on a certificate signed by a medical practitioner registered under the <sup>4</sup>[Tamil Nadu] Medical Registration Act, 1914, or otherwise] that such person is suffering from a dangerous disease, and

(a) is without proper lodging or accommodation ; or

- 
1. Inserted by section 165(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words “and take such measures” by section 165 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Inserted by section 166 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted for the word “Madras” by Tamil Nadu Adaptation of Laws Order, 1969.

(b) is lodged in a place occupied by more than one family ; or

(c) is without medical supervision directed to prevent the spread of the disease ;

and if such officer in charge, health officer or assistant health officer, as the case may be, considers, that such person should be removed to a hospital or other place at which, patients suffering from such disease are received for medical treatment, he may remove such person or cause him to be removed to the said hospital or place :

Provided that, if any such person is a female, shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If not female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1) and

(a) the removal shall be effected in such a way as to preserve her privacy ;

(b) special accommodation suited to such custom shall be provided for her in such hospital or place ; and

(b) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

**334. Disinfection of building and articles.**—(1) If the commissioner <sup>1</sup>[or health officer] is opinion that the cleansing or disinfecting of a building or of any 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 owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner of occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the commissioner <sup>1</sup>[or health officer] considers that immediate action is necessary of that the owner or occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the commissioner <sup>1</sup>[or health officer] may himself without notice cause such building or article to be

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1. Inserted by section 167 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the commissioner <sup>1</sup>[or health officer] shall be recoverable from the said owner or occupier in case on which such owner or occupier is in the opinion of the commissioner <sup>1</sup>[or health officer], not unable by reason of poverty effectually to comply with such requisition.

**355. Destruction of huts and sheds when necessary.**—(1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may, in the circumstances of the case, appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

**336. Provision of places for disinfection and power to destroy infected articles.**—(1)The commissioner may--

(a) provide proper places with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection <sup>2</sup>[from any dangerous disease], and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the <sup>3</sup>[standing committee].

(2) The commissioner <sup>4</sup>[shall from time to time notify places] at which conveyances, clothing, bedding, or other articles which have been exposed to infection , <sup>2</sup>[from any dangerous disease] shall be washed <sup>5</sup>[and disinfected] and no person shall wash <sup>5</sup>[or disinfect] any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding or other articles likely to retain infection <sup>2</sup>[from any dangerous disease] to be disinfected or destroyed, and may give compensation for any article destroyed under this subsection.

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1. Inserted by section 167 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Inserted by section 167 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

4. Substituted for the words “may notify places” by section 168 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

5. Inserted by section 167 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**337. Prohibition against transfer of infected articles.**—No person shall, without previously disinfecting it, give, lend, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease :

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

<sup>1</sup>**[337-A. Prohibition against infected person carrying on occupation.**—If any person knows or has been certified by the health officer, a medical officer in the service of the <sup>2</sup>[Governor] or of the corporation or a medical practitioner registered under the <sup>3</sup>[Tamil Nadu] Medical Registration Act, 1914, that he is suffering from a dangerous disease he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the disease.]

**338. Prohibition against diseased person entering public conveyance.**—(1) 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.

(2) 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.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Act 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 so impose shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such 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.

(4) 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.

**339. Disinfection of public conveyance after carriage of patients.**—(1) The owner, driver or person incharge of any public conveyance in which any person suffering from a dangerous disease has been carried shall forthwith disinfect the conveyance or cause it to be disinfected.

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1. Inserted by section 167 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. The word “Crown” was 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.

3. Substituted for the word “Madras” by Tamil Nadu Adaptation of Laws Order, 1968.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

**340. Letting of infected buildings.**—(1) No person shall let or sublet 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 a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purpose of sub-section (1), the keeper of a hotel lodging house or emigration depot shall be deemed to let the same or part of the same to any person accommodated therein.

**341. Power to order closure of places of public entertainment.**—In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the <sup>1</sup>[standing committee], 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 may be fixed by the <sup>1</sup>[standing committee].

**342. 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 has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health 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 a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

**343. Provision as to library books.**—(1) <sup>2</sup>[No person who is suffering from an infectious disease shall take any book] or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library or to be destroyed.

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1. Substituted for “central Committee” by Tamil Nadu Act 22 of 1971.

2. Substituted for the words “If any person knows that he is suffering from any infectious disease he shall not take any book” by section 170 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(4) The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

**Explanation.**—For the purposes of this section the commissioner shall from time to time notify what diseases are to be deemed infectious.

<sup>1</sup>**[343-A. Power of commissioner to prohibit use of water likely to spread infection.**—If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking, to engender or caused the spread of any dangerous disease, the commissioner may, by public notice, prohibit the removal or use of such water for drinking and domestic purpose during a specified period].

### **SMALL-POX.**

<sup>2</sup>**[344. Compulsory vaccination.**—The corporation shall enforce vaccination throughout the city, and it may enforce re-vaccination throughout the city or in any part thereof, in respect of such persons, to such extent and in such manner, as may be prescribed].

**345. Obligation to give information of small-pox.**—Where an inmate of any dwelling place within the city is suffering from small-pox, the head of the family to which the inmate belongs and, on his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division, with the least practicable delay.

**346. Prohibition of inoculation for small-pox.**—(1) Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city 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 authorize to grant such certificates stating that such person is no longer likely to produce small-pox by contact or near approach.

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1. Inserted by section 171 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Substituted by section 32 of the Chennai City Municipal (Amendment) Act, 1955 (Tamil Nadu Act IV of 1955). This was brought into force on the 1<sup>st</sup> January, 1956. The original section was substituted by section 172 of Tamil Nadu Act X of 1936.

**PART V**

**Subsidiary Legislation and**

**Penalties**



## CHAPTER XIV.

### Rules, By-laws and Regulations.

#### RULES AND SCHEDULES.

**347. Power of <sup>1</sup>[State Government] to make rules.**—(1) The <sup>1</sup>[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, such rules may--

(a) provided for all matter expressly required or allowed by this Act to be prescribed ;

<sup>2</sup>[(b) regulated or prohibit the moving of any resolution or the making of any motion on, or the discussion of, any matter unconnected with the municipal administration ;

<sup>2</sup>[(bb) provide for the procedure to be followed at meetings of the <sup>4</sup>[standing committee] <sup>5</sup>[\* \* \* \*] and for the conduct of business and the number of members which shall form a quorum at such meetings;]

- 
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. Substituted by section 173(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Inserted by section 83 (i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  4. Substituted for “contracts committee, the licence appeals committee” by Tamil Nadu Act 22 of 1971.
  5. Omitted for the words “and the appointments committee” by the Tamil Nadu Act 25 of 1972.

(c) prescribe the accounts to be kept by the corporation, the manner in which such accounts shall be audited and published and the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered therein or omitted therefrom;

<sup>1</sup>[\* \* \*]

(d) prescribe the forms of all registers, reports and returns, the manner in which such registers shall be maintained, the dates on which the reports and return shall be made and officers to whom they shall be sent ;

(e) regulate the sharing between local authorities in the Presidency of Madras of the proceeds of the profession tax, tax on carriages and animals, tax on carts, and other taxes or income levied or obtained under this or any other Act ;

(f) prescribe the powers of auditors, inspecting and superintending officer and officers authorized 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

(g) prescribe the form of warrant under rule 21 of Schedule IV and the form of notice of sale under rule 24 of the Same Schedule.

(3) The <sup>2</sup>[State Government] may make rules altering, adding to, or canceling <sup>3</sup>[any of the Schedules to this Act except Schedules I, VII and VIII].

(4) All references made in this Act to any of the aforesaid Schedules shall be constructed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

<sup>4</sup>(5) a draft of the rules proposed to be made under sub-section (3) shall be laid <sup>5</sup>[before <sup>6</sup>[the Legislative Assembly]] and the rules shall not be made unless <sup>6</sup>[the Legislative Assembly] approved the draft either without modification or addition or with modification or additions to which <sup>6</sup>[the Legislative Assembly] agree ; but upon such approval being given the rules may be made in the form in

- 
1. Omitted by Tamil Nadu Act 22 of 1971.
  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. Substituted for the words "any part of Schedule III, or Schedule VI of Parts II to IV of Schedule V" by section 173 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted section 173 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the words 'on the table of the Legislative Council' by the Adaptation Order of 1937.
  6. These words were substituted by the Tamil Nadu Adaptation of Law and Order, 1987.

Which they have been approved and such rules on being so made shall be notified in the <sup>1</sup>(Official Gazette) and shall thereafter be of full force and effect].

<sup>2</sup>[(6)] In making any rule, the <sup>3</sup>[State Government] may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

**348. Making of rules after previous publication.**—The power to make rules <sup>4</sup>[and the power to issue notifications under this Act] are subject to the following conditions--

<sup>5</sup>[(a) A draft of the rules under section 347 or of a notification under section 45 shall be published in the Official Gazette and forwarded to be council for its opinion.

(b) Such draft shall not be further proceeded with until three weeks after such publication or until such later date as the State Government may appoint].

(c) All rules made under section 347 shall be published in the <sup>1</sup>[Official Gazette] and upon such publication shall have effect as if enacted in this Act.

<sup>6</sup>[(d) Every rule made under this Act other than that made under sub-section (3) of section 347 and <sup>7</sup>[every notification issued under sub-section (2) of section 5-A, sub-section (2) of section 6-H or under any other provisions of this Act] shall, as soon as possible after it is made or issued, be placed on the table of <sup>8</sup>[the Legislative Assembly agree], and if, before the expiry of the session in which it is so placed or the next session, <sup>8</sup>[the Legislative Assembly agree] in making any modification in any such rule or notification or <sup>8</sup>[the Legislative Assembly 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.]

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1. Substituted for the words “Fort St. George Gazette” by the Adaptation Order of 1937.
  2. Inserted by section 173 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  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 “under section 347 and the power to issue notification under section 45” by section 84(i) of the Chennai City Municipal Corporation Act, 1961 (Tamil Nadu Act 56 of 1961).
  5. Substituted by section 12 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act 10 of 1962) which came into force on the 17<sup>th</sup> September, 1962.
  6. Added by section 84 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  7. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions) Act, 1994 (Tamil Nadu 26 of 1994).
  8. Substituted by the Tamil Nadu Adaptation of Law and Order, 1987.

## BY-LAWS.

**349. Powers of council to make by-laws.**—The council may make by-laws, not inconsistent with this Act or with any other law to provide--

<sup>1</sup>[(1) for all matters expressly required or allowed by this Act to be provided for by by-law ;]

<sup>1</sup>[(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 <sup>2</sup>[and duties under this Act];

<sup>3</sup>[(2-A) for determining the conditions under which lands shall be deemed to be appurtenant to building;]

<sup>4</sup>[(3) \* \* \*]

(4) for the maintenance and protection of the lighting system ;

(5) (a) for the maintenance and protection of the drainage system ;

<sup>4</sup>[(b) to (f) \* \* \*]

(6) for the cleansing of latrines, earth-closets, ash-pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing ;

<sup>4</sup>[7(a) \* \* \*]

(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 applications for permission to lay out streets ; and regulating the level and width of public streets and the height of buildings abutting thereon ;

<sup>5</sup>[(b) \* \* \*]

<sup>5</sup>[(c) \* \* \*]

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1. Inserted by section 174 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2. Substituted for the words “duties and tools” by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

3. Inserted section 174 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

4. Omitted by section 85 of Tamil Nadu Act 28 of 1978.

5. Omitted by section 5(i) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).

<sup>1</sup>[(b) for the protection of avenues, trees, grass and other appurtenance of public streets and other places ;

<sup>2</sup>[(c) for the regulating the leasing of road-sides and street-margins vested in the corporation ;]

(9) for the regulations of the use of parks, gardens and other public or municipal places <sup>3</sup>[but not including the regulations 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 applications to build ;

(c) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors ;

(11) for the regulation <sup>4</sup>[and licensing] of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee houses, and any premise to which the public are admitted for repose or for the consumption of any food or drink <sup>4</sup>[or any place where any food or drink is exposed for sale ];

(12) for regulating the mode of constructing stable, cattle-sheds and cow-houses <sup>5</sup>[\* \* \*].

<sup>6</sup>[(12-A) for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein ;]

(13) for the sanitary control and supervision of <sup>7</sup>[factories and] places used for any of the purposes specified in Schedule VI and of any trade or manufactures carried on therein ;

(14) (a) for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses ;

- 
1. Re-lettered by section 5 (i) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).
  2. Inserted by section 85 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Added by section 5 (ii) of the Tamil Nadu Traffic Control Act, 1938 (Tamil Nadu Act V of 1938).
  4. Inserted by section 174 (iv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Omitted for “and connecting them with municipal drains” by section 85 of Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).
  6. Inserted by section 174 (v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  7. Inserted by section 174 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(b) for the control and supervision of the methods of slaughtering ;

(c) for the control and supervision of butchers carrying on business in the city or at any slaughter-house without the city provided or licensed by the corporation ;

(15) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning, drainage <sup>1</sup>[\* \* \*] of dairies and cattle-sheds in the occupation of person following the trade of dairyman or milk-seller ;

(16) for enforcing the cleanliness of milk-stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product <sup>2</sup>[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; <sup>3</sup>[and

(c) for licensing and controlling brokers, commission agents and weighmen and measures practising their calling in markets;]

(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 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 corporation;

(c) for the verification of deaths and the causes of death;

---

1. Omitted for “and water-supply” by section 85 of Tamil Nadu Act 28 of 1978.

2. Inserted by section 174 (vii) of the Tamil Nadu Act X of 1936.

3. Inserted by section 174 (viii) of the Tamil Nadu Act X of 1936.

- (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;
- <sup>1</sup>[(24) for the training and licensing of dhais and midwives ;]
- (25) for the prevention of dangerous diseases of men or animals ;
- (26) for the enforcement of compulsory vaccination <sup>2</sup>[or re-vaccination];
- (27) for the prevention of outbreaks of fire ;
- (28) for the prohibition and regulation of advertisements <sup>3</sup>[\* \* \*]
- (29) in general for securing cleanliness, safety and order and the good government and well being of the city and for carrying out all the purposes of this Act.

<sup>4</sup>[350. Omitted].

**351. Penalty for breaches of by-laws.**—In making any by-law under section 349 and 350, the council may <sup>5</sup>[subject to the provisions of clause (1) of Article 20 of the Constitution], provided that a breach thereof shall be punishable-

(a) with fine which may extend to fifty rupees and in case of 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 commissioner to discontinue such breach.

<sup>6</sup>[**352. Confirmation of by-laws by <sup>7</sup>[State Government].**—(1) No by-law made by the council under this Act shall have any validity unless and until it is sanctioned by the <sup>7</sup>[State Government.]

(2) The State Government may, at any time, by notification, repeal wholly or in part or modify any by-law :

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1. Substituted by section 174 (ix) of the Tamil Nadu Act X of 1936.
  2. Inserted by section 174 (x) of the Tamil Nadu Act X of 1936.
  3. Omitted the words “in public streets or parts” by section 174 (xi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Omitted by section 85 of Tamil Nadu Act 28 of 1978.
  5. Inserted by the Adaptation (Amendment) Order of 1950.
  6. Section 352 was renumbered as sub-section (1) of that section and sub-section (2) and (3) were added to that section by Tamil Nadu Act 22 of 1971.
  7. The “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.

Provided that before taking any section under this sub-section, the State Government shall communicate to the council, 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 and objections, if any.

(3) The repeal or modification of any by-law shall take effect from the date of the order and shall not affect any thing done, omitted to be done or suffered before such date.]

**353. Conditions precedent to making of by-laws.**—The power to make by-laws under this Act is subject to the conditions--

(a) that a <sup>1</sup>[draft of the proposed by-law] is published in the <sup>2</sup>[Official Gazette] and in the local newspapers;

(b) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof <sup>3</sup>[in the <sup>2</sup>[Official Gazette] ] or of such longer period as the council may appoint ;

(c) that for at least one month during such period a printed copy of the draft shall be kept at the municipal office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge ; and

(d) that printed copies of the draft shall be sold to any person requiring them on payment of such price, as the commissioner may fix.

#### **<sup>4</sup>[RULES IN LIEU OF BY-LAWS.]**

**<sup>4</sup>[353-A. Powers of <sup>5</sup>[State Government] to make rules in lieu of by-laws.**—(1) If, in respect of any of the matters specified in section 349, the council has failed to make any by-laws or if the by-laws made by it are not, in the opinion of the <sup>5</sup>[State Government] adequate, the <sup>5</sup>[State Government] may make rules providing for such matter to such extent as they may think fit.

(2) Rules made under this section, may add to, alter, or cancel any by-laws made by the council.

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1. Substituted for the “draft of the by-law” by section 175 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words “Fort St. George Gazette” by the Adaptation Order of 1937.
  3. Inserted by section 175 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 176 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  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.



(3) If any provision of a by-law made by the council is repugnant to any provision of a rule made under this section, the rule shall prevail and the by-law shall, to the extent of the repugnancy, be void.

(4) The provisions of section 350, 351, and 353, of the second sentence of sub-section (1) of section 354, and of section 356 shall apply to the rules made under this section as they apply to the by-laws made under section 349. With the substitution of the words, <sup>1</sup>[State Government] for the word 'commissioner in clause (d) of section 353.

(5) Before making any rules under this section, <sup>1</sup>[State Government] shall give the council an opportunity of showing cause against the making thereof.]

### **PUBLICATION OF RULES, BY-LAWS AND REGULATIONS.**

**354. Publication of by-laws or rules.**—<sup>2</sup>[(1) When any rule or by law has been made under this Act, such rule or by-law shall be published in the <sup>3</sup>[Official Gazette] in English and <sup>4</sup>[in Tamil]. A by-law shall come into operation three months after it has been published as aforesaid.]

(2) The commissioner shall cause all rules and by-laws in force to be printed in the said languages, and shall cause printed copies thereof to be sold to any applicant on payment of fixed price.]

(3) The commissioner shall, from time to time, advertise in the local newspapers that copies of rules and by-laws are for sale and specify the place where and the person from whom and the price at which they are obtainable.

(4) The commissioner shall publish lists of offences and fines under this Act and the rules and by-laws made under it, and shall cause printed copies thereof to be sold to any applicant on payment of fixed price.

**355. Publication of regulations.**—Regulations made under this Act shall be published in such manner as the council may determine.

**356. Exhibition of by-laws, rules and regulations.**—(1)Printed copies of by-laws under section 349, clauses (8) (b), (c), (d) and (9) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby

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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. Substituted by section 177 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the word "Fort St. George Gazette" by the Adaptation Order of 1937.
  4. Substituted for the words "in the Tamil, Telugu and Hindustani languages" by section 86 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

in such conspicuous manner as the commissioner may deem best calculated to give information to the persons using such place.

(2) Printed copies of other by-laws and of the rules and regulations shall be hung up in some conspicuous part of the municipal office. The commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter-houses and other places affected thereby copies of such portions of the rules, by-laws and regulations as may relate to those places.

(3) No municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destroy, pull down, injure or deface any copies exhibited as above or any board to which the copies have been affixed.

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## **CHAPTER XV.**

### **PENALTIES.**

#### **357. General provisions regarding penalties specified in the Schedules :-**

(1) whoever-

(a) contravenes any provision of any of the sections or rules of this act specified in the first column of schedule VII ; or

(b) contravenes any rule or order made under any of the said 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 third column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections or rules of this act specified in the first column of schedule VIII ; or

(b) contravening any rule or order made under any of the said 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 third column of the said Schedule.

**Explanation.**--The entries in the second column of schedules VII and VIII headed "Subject" are not intended as definitions of the offences described in the sections, sub- sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules mentioned in the first column or even as abstracts of those sections, sub-sections, clauses or rules, as the case may be.

<sup>1</sup>**[358. Penalty for voting when pecuniarily interested and acting as councilor when not entitled.**--(1) if a councilor <sup>2</sup>[\* \* \*] votes in contravention of section 34, or if any person acts as a councilor <sup>2</sup>[\* \* \*] knowing that under this act or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

**Penalty for acting as Mayor or Deputy Mayor when not entitle, etc.**--(2) if any person acts as or exercises the functions of the mayor or Deputy mayor 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 function, he shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

**Penalty for failure to hand over documents, etc. by Mayor or Deputy mayor.**--(3) if the Mayor or Deputy Mayor fails to hand over any documents of or any money, or other properties vested in, or belonging to the corporation 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 Mayor or Deputy Mayor expires and in the case of the Deputy Mayor also on demand by the Mayor, such Mayor or Deputy Mayor shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.]

<sup>3</sup>**[358-A. Penalty for failure to obtain permission of state Government for foreign trip.**-- whoever undertakes a trip to any foreign country in violation of section 25-B <sup>4</sup>[shall be punished with fine which may extend to fifty thousand rupees].

**359. Penalty for acquisition by municipal officer of interest in contract or work.**--If the commissioner or any municipal officer or servant knowingly acquires, directly, or indirectly by himself or by a partner or employee or servant ,any personal share or interest, in any contract or employment, with by or on behalf of the corporation, he shall be deemed to have committed the offence punishable under section 168 of the Indian penal code;

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1. Substituted by section 178 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted the words "or an alderman" by section 2(1) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  3. Inserted by Tamil Nadu Act 31 of 2002.
  4. Substituted by Tamil Nadu Act 53 of 2002.

Provided that no person shall, by reason of being a share-holder in, or member of any company be held to be interested in any contract between such company and the corporation unless he is a director of such company.

**360. 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 116 who omits to obtain, within 15 days of the service of a bill on him, a licence under section 121 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 119, fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

**361. Penalty for willfully preventing distraint.--**Any person who willfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall, on conviction by a magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

**362. Penalty for unlawful building.--**If the construction or re-construction of any building or well:-

(a) is commenced without the permission of the commissioner, 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 breach of any provision contained in this act or in any rule or by law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section 244 or section 255 are not duly made, or

if any person to whom a direction is given by the commissioner to alter or demolish a building or well under section 256 fails to obey 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 well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

**363. Notice to scavengers before discharge.--**(1) in the absence of a written contract to the contrary, every scavenger employed by the corporation 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 .

**Penalty for withdrawal of scavenger without notice.--**(2) should any scavenger employed By the corporation, in the absence of a written contract authorizing 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 corporation, 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.

**Application of sub-sections (1) and (2) to other municipal servants.--**  
(3) The <sup>1</sup>[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 other specified class of municipal servants whose functions concern the public Health or safety.

**364. Wrongful restraint of commissioner and his delegates.--**Every person who prevents commissioner, or any person to whom the commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under section 341 of the Indian penal code.

<sup>2</sup>**[364-A Penalty for not giving information 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 on conviction, be punished with fine not exceeding on hundred rupees.]

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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. Inserted by section 179 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

**PART VI**

**Procedure and Miscellaneous**

## CHAPTER XVI.

### Procedure and Miscellaneous.

#### LICENCES AND PERMISSIONS.

**365. General provisions regarding licences, registrations and permission.--**(1) Every licence permission granted under this act or any rule or by-law made under it 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 commissioner.

<sup>1</sup>[(2) (a) Save as otherwise expressly provided in or may be prescribed under this act for every such licence or permission fees shall be paid in advance on such units and at such rates as may be fixed by the council ;

<sup>2</sup>[ \* \* \* ]

Provided <sup>3</sup>[\* \* \*] that not more than one fee shall be levied in respect of any purpose specified in more heads than one of schedule VI if such heads form part of a continuous process of manufacture and the fee so charged shall not exceed the highest fee chargeable in respect of any one of the said purposes.

(b)The council may compound for any period not exceeding three years at a time with the owner of nay mill or factory for a certain sum to be paid in lieu of the fees payable in Respect of such mill or factory.

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1. Substituted by section 180 (i) if the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted by section 87 (i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Omitted for the word "further" by section 87(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).



(c) Every order of the commissioner or other municipal authority granting refusing, a licence or permission shall be published on the notice board of the corporation.]

(3) Every <sup>1</sup>[order of the commissioner or other municipal authority refusing, suspending, canceling or modifying a licence or permission shall be in writing and] shall state the grounds on which it proceeds.

(4) Subject to the special <sup>2</sup>[ provisions in chapters X, X-A and XII regarding buildings, cheris and hutting grounds and private markets] and subject to such sanction as may be required for the refusal of a licence or permission, <sup>3</sup>[ \* \* ] 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 commissioner if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted for a breach of any of the provisions of this act or of any rule, by law 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.

(5) It shall be the duty of the commissioner 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, regulations any conditions of a licence or permission or any lawful direction <sup>4</sup>[or prohibition] is being contravened and no claim shall lie against any person for any damage or inconvenience <sup>4</sup>[ necessarily] caused by the exercise of powers under this sub-section by the commissioner or any person to whom he has lawfully delegated this powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) 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 it be deemed to be without a licence or permission until the <sup>1</sup>[ \* \* \* ] order suspending or revoking the licence or permission is cancelled <sup>2</sup>[ \* \* \* ] or subject to sub-section (10) until the licence or permission is renewed, as the case may be.

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1. Substituted for the words “Order of the commissioner refusing to a licence or permission” by section 180 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words “provisions regarding buildings in Chapter X and private markets in Chapter XII ” by section 180 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act of 1936).
  3. Omitted for the word “and to such appeal as may be provided in case of refusal” by section 183 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 180 (iv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(7) 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 commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission <sup>3</sup>[or to make a registration] required by the provisions of this act or by 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 corporation the amount of the fee chargeable for the licence or permission or for registration <sup>4</sup>[and may in his discretion also recover summarily and pay over to the council such amount, if any, as they may fix as the as the costs of the prosecution,]

(9) Such recovery of the fee under sub section (8) shall not <sup>5</sup>[by itself] entitle the person convicted to a licence or permission or to registration as aforesaid.

<sup>6</sup>[(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 or the renewal of a licence or permission or registration, shall be made not less than forty five and not more than ninety days before the commencement of the year or of such less period as is mentioned in the application. <sup>7</sup>[and shall be accompanied by the referred to in clause (a) or the sum referred aid In clause (b) of sub section (2)].

(10) the acceptance by the corporation of the prepayment of the fee <sup>8</sup>[referred to in clause (a) or the sum referred or in clause (b) of sub-section (2)]for

- 
1. Omitted the Word “commissioner’s” by section 180 (v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted the words “by him” by section 180 (v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words “or registration” by section 180 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 180 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Inserted by section 180 (vii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by section 7 of the Chennai City Municipal (Second Amendment) Act, 1941 (Tamil Nadu Act VII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacted and Repealing (No.1) Act, 1948 (Tamil Nadu Act VII of 1948).
  7. Added by section 87 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  8. Inserted by section 87 (iii) (a) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

a licence or permission or for registration shall not entitle the person making such prepayment to the licence or remission or to registration, as the case may be, <sup>1</sup>[but only to refund of an amount not exceeding one half of the fee or sum aforesaid as may be decided by the council] 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 other wise specially provided in this act, if orders on an application for a licence or permission or for registration are not <sup>2</sup>[received by the applicant within sixty days after the receipt of the application] by the commissioner, 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 by- laws, regulations and all conditions ordinarily imposed.

### APPEALS.

**366. Appeals from commissioner to <sup>3</sup>[standing committee].--**(1)An appeal shall lie to the <sup>3</sup>[standing committee] from-

(a) any notice issued or other action taken or proposed to be taken by the commissioner-

(i) under <sup>4</sup>[section] <sup>5</sup>[ 129-E ], <sup>6</sup>[ \* \* \* ], 186, 187, 188, 190, 244, 256, (3), 258 (1), 259 (1), 264(1), 265, 266, 273, 282, 283, 284, 288, <sup>4</sup>[or] 289 ;

(ii) under any by-law concerning <sup>6</sup>[\* \* \* ] lighting mains ;

(b) any refusal by the commissioner to approve a building site under section 237, to grant permission to construct or reconstruct a building under section 238 <sup>4</sup>[or] 250 ;

(c) any refusal by the commissioner to grant a permission to grant a permission under <sup>7</sup>[ section ] <sup>8</sup>[129-B], 181, <sup>6</sup>[\* \* \* ] or <sup>9</sup>[288 (3)], <sup>10</sup>[\* \* \* ] ;

- 
1. Substituted for the words “but only to refund of the fee” by section 87 (iii) (b) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  2. Substituted for “Communicated top the applicant with forty-five days after the receipt of the application” by Tamil Nadu 39 of 1974.
  3. Substituted for “licence appeals committee” by Tamil Nadu Act of 1971.
  4. Substituted for the words “sections” and “and” by section 3 of and the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
  5. Inserted by section 181 (i) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Omitted by section 85 of Tamil Nadu Act 28 of 1978.
  7. Substituted for the word “sections” in clauses (c) and (d) of section 336 (i) by section 3 of, and Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
  8. Inserted by section 181 (i) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  9. Substituted for “288 (2)” by section 181(i) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  10. The word “or” was omitted by section 3 (i) of, and the Second Schedule to, the Tamil Nadu repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

(d) any refusal by the commissioner to grant a licence under <sup>1</sup>[section] 282, 287 <sup>2</sup> [\* \* \*], 295, 299 or 304 (2) ; <sup>3</sup> [\* \* \*]

(e) any order of the commissioner made under section 365, sub section (4), suspending or revoking a licence ;

(f) any other order of the commissioner that may be made appealable by rules under section 347 ;

<sup>4</sup>[(2) (a) If, on any such appeal, the standing committee reverses or substantially modifies any action taken or proposed to be taken by the commissioner or any order passed by him, then, the commissioner may, within one month from the date of such decision, refer the matter to the council, and pending the decision of the council on such reference, the commissioner shall not be bound to give effect to the decision of the standing committee]

(b) The decision of the standing committee or where the matter has been referred to the council under clause (a), the decision of the council shall be final.]

<sup>5</sup>**[367. limitation of time for appeal.--**In any case in which no time is laid down in the foregoing provisions of this act, for the presentation of an appeal allowed there under, such appeal shall , subject to the provisions of section 5 of the Indian limitation act , 1908, 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 corporation , and

(b) in other cases within thirty days after the date of the receipt of the order or proceeding against which the appeal in made.]

#### <sup>6</sup>**[POWER TO SUMMON.]**

<sup>6</sup>**[367-A. Power of person conduction election and other enquiries.--**All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers any inquiry into matters falling within the

- 
1. Substituted for the word “sections” in clauses (c) and (d) of section 336 (i) by section 3 of, and Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955).
  2. Omitted for the figure “290” by section 181 (i) (c) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. The word “or” was omitted by section 3 (i) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).
  4. Omitted by section ii (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961) but was re-inserted in the present form by Tamil Nadu Act 22 of 1971.
  5. Substituted by section 182 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by section 182 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

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 <sup>1</sup>[Tamil Nadu] Revenue Summonses Act, 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.]

<sup>2</sup> [\* \* \*]

**368. Summons to attend and give evidence or produce documents.-**

The commissioner 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 the any licence, or permission under the provisions of this Act.

**PROCEDURE.**

**369. 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

**370. Proof of consent of municipal authorities or municipal officer.--**Whenever under this act or any rule, by-law or regulation made under it the doing or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of –

- (a) the council, a <sup>3</sup>[standing committee] or the commissioner or
- (b) any municipal officer,

a written document signed in case (a) by the commissioner and in case (b) by the said municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

**371. Signature on documents.--**(1) Every licence, permission, notice, bill, schedule, summons, <sup>4</sup>[warrant] or other document which is required by this act or by any rule, by- law or regulation made under it to bear the signature of the commissioner or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the commissioner or of such municipal officer, as the case may be, stamped thereupon.

- 
1. Substituted for the word “Madras” by Adaptation of Laws Order, 1969.
  2. Omitted for “Commissioner’s power to summon” by section 183 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act of 1936).
  3. Substituted for “committee constituted under this Act” by Tamil Nadu Act 22 of 1971.
  4. Inserted by section 184 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) Nothing in sub- section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to <sup>1</sup>[any deed of contract].

<sup>2</sup>**[371-A. Publication of notifications.--**Save as otherwise provided, every notification under this act shall be published in the <sup>3</sup>[Official gazette], in <sup>4</sup>[English and Tamil].

<sup>5</sup>**[372. Publication of order, notice or other document.--**Every order, notice or other document directed to be published under this act or any rule, by-law or regulation made under it shall, unless a different method is prescribed by this act or by the council or the <sup>6</sup>[standing committee] as the case may be, be translated into Tamil <sup>7</sup>[ \* \* \* ] and deposited in the office of the corporation and copies thereof in English and <sup>8</sup>[in Tamil] shall be pasted in conspicuous position at such office and at such other place as the council or the <sup>6</sup> [standing committee ] as the case may be, may direct; and a public proclamation shall be made by beat of drum in the locality affected or by advertisement in the local newspapers that such copies have been so pasted and that the originals are open to inspection at the office of the corporation.]

**373. Publication in newspapers.--**Whenever it is provided by this act or by any rule, by-law or regulation made under it that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the same, such notice, notification or information, shall be inserted in at least one English and one <sup>9</sup>[Tamil ] newspaper published in the city.

<sup>10</sup>**[373-A Notice of prohibition or setting apart of places.--**Whenever the council, a <sup>6</sup>[standing committee] or commissioner shall have set apart any place for any purpose authorized by this act or shall have prohibited the doing of anything in any place, the commissioner shall forthwith cause to be put up a notice in English and in Tamil, <sup>11</sup>[\* \* \*] 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.]

- 
- 1 .Substituted for the words “any contract” by section 184 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 185 of Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words “Fort St George Gazelle” by the Adaptation Order of 1937.
  4. Substituted for the words “English, Tamil, Telugu and Hindustani” by section 89 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  5. Substituted by section 186 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Substituted for “committee constituted under this Act”, by Tamil Nadu Act 22 of 1971.
  7. The words “Telugu and Hindustani” were omitted by section 90(i) of Tamil Nadu Act 56 of 1961.
  8. Substituted for the words “in the said vernaculars” by section 90 (ii) if Tamil Nadu Act 56 of 1961.
  9. Substituted for the word “vernaculars” by section 91 of Tamil Nadu Act 56 of 1961.
  10. Inserted by section 187 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  11. Omitted by section 92 of Tamil Nadu Act 56 of 1961.

## SERVICE OR SENDING OF NOTICES, ETC.

**374. 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 <sup>1</sup>[to his agent, clerk or servant or some adult member] of his family ; or

(c) if such person does not reside in the city and his address elsewhere is known to the commissioner, by sending the same to him by post registered ; or

(d) if none of the means aforesaid be available, by affixing the same in 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.

<sup>2</sup>(3) Whenever in any bill, notice, 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 any thing provided, such period shall, in the absence of the express provision to the contrary in this act be calculated from the date of such service or sending by post registered.]

## RELATION OF OCCUPIER TO OWNER.

**375. Recovery by occupier of sum leviable from owner.--**<sup>1</sup>[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 it from the rent then or thereafter due by him to the owner.

**376. 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 commissioner 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.

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1. Substituted for the words "to some adult member or servant" by section 188 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Added by section 188 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words" if any rent, tax or sum leviable under this from the owner is recovered from the occupier" by section 189 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

2) Such owner shall, for a 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, <sup>1</sup>[in executing such works.]

**377. 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 actor of any rule, by- law, regulation or order made under it the occupier of such building or land may with the approval of the commissioner, execute the said work, and shall be entitled or 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.

### **COMMISSIONER' S POWERS OF ENTRY <sup>2</sup>[AND INSPECTION.]**

**378. Power of entry to inspect, survey or execute the work.**--The commissioner <sup>3</sup>[or any person authorized 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 <sup>4</sup>[lawfully] placing or removing meters instruments, pipes or apparatus, or to execute any other work which is authorized 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 purpose 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 <sup>5</sup>[no part of a public building or hut] which is used as a dwelling place, shall be so entered with out the consent of the occupier thereof, unless the said occupier has received at least twenty- four hours' previous notice of the intention to make such entry ;

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1. Added by section 190 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 191 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Inserted by section 192 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 192 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the words “no public building or hut” by section 192 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(c) sufficient notice shall be, in every case, given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw 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.

**379. Power of entry on lands adjacent to works.--**(1) the commissioner <sup>1</sup>[or any person authorized by him in this behalf] may with or without assistants or workmen enter on any landed joining or within fifty yards of any work authorized by this Act or by any rule, by – law , regulation or order made 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 commissioner <sup>2</sup>[or such authorized person] shall, before entering on any land under sub-section (1), give the owner and 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 commissioner <sup>2</sup>[or such authorized person] shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be. <sup>3</sup>[The commissioner shall pay compensation] to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the commissioner, he may appeal to the <sup>4</sup>[standing committee] whose decision shall be final.

#### **<sup>5</sup>[POWER TO ENFORCE LICENSING PROVISIONS.]**

**<sup>5</sup>[379-A. Consequences of failure to obtain licences, etc.,** or of breach of the same.--(1)if under this act, or any rule, by-law or regulation made under it, the licence or permission of the council ,<sup>6</sup>[ standing committee ] or commissioner or registration in the office of the corporation in necessary for the doing of any act and if such act is done without such licence or permission or registration or in manner inconsistent with the terms of any such licence or permission then--

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1. Inserted by section 193(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 193 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words “and shall pay compensation” by section 193 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted for “licence appeals committee” by Tamil Nadu Act 22 of 1971.
  5. Inserted by section 194 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Substituted for “Committee under this Act” by Tamil Nadu Act 22 of 1971.

(a) the commissioner 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 ;

(b) the commissioner or any officer duly authorized by him may also enter into or on any building or land where such act is done and take all such steps as may be necessary to prevent the continuance of such act ; and

(c) if no penalty has been specifically 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.

(2) No claim shall lie against the commissioner or any other person for any damage or inconvenience caused by the exercise of the power given under this section or by the use of the force necessary for the purpose of carrying out the provisions of this section.]

### **COMMISSIONER'S POWER TO EXECUTE IN DEFAULT.**

#### **380. 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, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the commissioner 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.

<sup>1</sup>[(3) If no penalty has been specially provided in this act for failure to comply with such notice, the said person shall, on conviction, be punished with fine not exceeding fifty rupees for such offence.]

#### **381. Recovery of expenses from persons liable and limitation on liability of occupier.-** <sup>2</sup>[(1) The commissioner may recover any reasonable

- 
1. Added by section 195 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted by section 196 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

expenses incurred under section 380 from the person or anyone of the persons to whom the notice, requisition or order was addressed in the same manner as the property tax and may, in executing work or taking measures under section 380, utilize 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 commissioner may (whether any action or other proceedings 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 corporation 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 commissioner 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 commissioner may require any occupier of property to furnish information as to the sum payable 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.]

<sup>1</sup>[(4)] The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

**382. Power of commissioner to agree to receive payment of expenses in instalments.**-Instead of recovering any such expenses as aforesaid in the manner provided under section 387, the commissioner may, if he thinks fit and with the approval of the <sup>2</sup>[standing committee], taken 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,

**383. Power to declare expenses on certain work to be improvement expenses.**--If the expenses to be recovered have been incurred or are to be incurred in respect of any Work mentioned.-

<sup>3</sup>[(a) in <sup>4</sup>[\* \* \*] section 186, clause (b) of sub-section (1) of section 209, section 218, sub-sections (1) and (2) of section 264, section 269, section 273, section 306, or section 380 ; or]

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1. Sub-section (5) was re-numbered as sub-section (4) by section 196 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for "central committee" by Tamil Nadu Act 22 of 1971.
  3. Substituted by section 197 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Omitted the words and figures "sections 168, 169, 177 to 179" by Tamil Nadu Act 28 of 1978.

(b) in any rule made under this Act in which this section is made applicable to such expenses,

the commissioner may, if he thinks fit and with the approval of the <sup>1</sup>[standing committee, declare such expenses to be improvement expenses.

**384. Improvement expenses by whom payable.--**(1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals, as will suffice to discharge such expenses together with interest thereon within such period not exceeding twenty years as the commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged ;

Provided that when the occupier pays any such instalment, he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

**385. Redemption of charge for improvement expenses.--**At any time before the expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the commissioner such part of the said expenses as are still payable.

**386. Relief to agents and trustees.--**(1) where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this act, or any rule, by-law, regulation or order made under it 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 principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling any 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 commissioner 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 principal or beneficial owner, as the case may be; and fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

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1. Substituted for "central committee by Tamil Nadu Act 22 of 1971.

## **PAYMENT OF COMPENSATION, ETC., BY AND TO THE CORPORATION.**

<sup>1</sup>**[387. Recovery of sum due as taxes.--**All costs, damages, penalties, compensations, charges, fees, rents, expenses, contributions and other sums which under this Act or any rule, by- law or regulation made thereunder or any other law or under any contract including a contract in respect of water supply or drainage made in accordance with this Act, and rules, bylaws and regulations <sup>2</sup> [ are due by any person to the corporation ] shall, if there is no special -provision in this Act for their recovery, be demanded by bill containing particulars of the demand and notice of the liability incurred in default of payment and may be recovered in the manner provided by rules 21 and 28 of the rules contained in Part VI of schedule IV unless within fifteen days form the date of service of the bill such person shall have applied to the chief judge of the small cause court under section 388.]

<sup>3</sup>**[388. Determination by small cause court of sums payable.--**where in any case not provided for in section 395, any municipal authority or any person is required by or under this act or any rule , by law, regulation or contract made under it to pay any costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums referred to in section 387 the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise <sup>4</sup>[ provided in section 171, 335, 379 or 413] or in the land acquisition act, 1894, by the chief judge of the small cause court on application made to him for this purpose at any time within six moths from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums first became payable.]

**389. Proceedings before small cause court.--**(1) On any application under the provisions of section 388 the said chief judge shall summon the other party to appear before him.

(2) On the appearance of the parties, or in the absence of any of them, on proof of due service of the summons, the said chief judge may hear and determine the case.

(3) In every such case the said chief judge shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

<sup>1</sup>**[390. Recovery of sums payable by distress.--**If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums ascertained in the manner described in section 389 is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the small cause court by distress and sale of the movable property of such party.

- 
1. Substituted by section 198 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1938 (Tamil Nadu Act XII of 1938).
  3. Substituted by section 199 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted for the words and figures “provided in section 171, 335, 379 or 413” by section 3 of and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu XXXVI of 1955).

<sup>2</sup>[**390. A 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 corporation under this Act after the expiration of a period of three 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.]

<sup>2</sup>[**390. B. 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 corporation and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within one year from the date of the sale, of the sale, be paid to him by the commissioner, 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.]

### PROVISIONS REGARDING MUNICIPAL PROSECUTIONS.

<sup>3</sup>[**391.**Omitted].

**392. period of limitation for making complaints.**<sup>4</sup>[\* \* \*] <sup>5</sup>[Save as otherwise expressly provided in this Act, no court shall take cognizance of any offence] against any of the provisions, of this act, or of any rule, by-law, regulation or order made under it unless complaint is made <sup>6</sup>[within six months from the commission of the offence, by the police or the commissioner or by a person authorized in this behalf by the council, <sup>7</sup>[the standing committee, any other committee] or the commissioner]:

Provided that failure to take out a licence, obtain permission or secure registration under this act shall for the purpose of <sup>1</sup>[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, 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.

- 
1. Substituted by section 200 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 201 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Omitted by section 202 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Omitted by section 203 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted by section 13 of the Tamil Nadu City Municipal Corporation and District Municipalities (Amendment) Act, 1962 (Tamil Nadu Act X of 1962), which came into force on the 17<sup>th</sup> September, 1962.
  6. Substituted for the words “before a magistrate within six months after the commission of the offence” by section 203 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  7. Substituted for “the committee constituted under this Act” by Tamil Nadu Act 22 of 1971.

**393. Cognizance of offence.**--All offences against this Act, or against any rule, by-law regulation or order made under it, whether committed within or without the city, shall be cognizable by a presidency magistrate having jurisdiction in the city; and such presidency magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund <sup>2</sup>[\* \* \*]

**394. Imprisonment in default of payment and application of costs, etc.**--(1) in case any fine, cost, <sup>3</sup>[tax] or other sum of money <sup>4</sup>[imposed, assessed or recoverable] by a magistrate under this act or under any rule, by-law or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian penal code.

<sup>5</sup>[(2) any fine, costs, tax or other sum imposed, assessed or recoverable by a magistrate under this act, or any rule by-law or regulation made thereunder shall be recoverable by such magistrate, as if it were a fine imposed under the \*code of criminal Procedure, 1898 and the same shall <sup>6</sup>[except in the case of a fine] on recovery be paid to the corporation to be applied for the purposes of this Act.]

**395. 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, by-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the corporation, the said person shall pay compensation for such damage, not withstanding 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 magistrate before whom he was convicted of the said offence on application made to him for the purpose by the commissioner 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 magistrate as if it were a fine inflicted by him on the person liable therefor.

- 
1. Substituted for the word "sub-section (i)" by section 203 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted for the words "to the credit of which any fine imposed by him will be payable" by the Adaptation Order of 1937.
  3. Inserted by section 204 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted by section 204 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted by section 204 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by the Adaptation Order of 1937.

\* Now Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

## LEGAL PROCEEDINGS IN GENERAL.

**396. Recovery of tax, etc., by suit.**--Nothing herein contained shall preclude the corporation from suing in a civil court for the recovery of any tax, duty, <sup>1</sup>[\* \* \*] or other amount due under this Act .

**397. Institution of suits against municipal authorities, officers and agents.**- No suit for damages or compensation shall be instituted against the corporation or 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 in 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 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 Plaintiff 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 and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the commissioner, 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 other wise may be made, with the sanction of the <sup>2</sup>[standing committee] from the municipal fund.

**398. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.**--<sup>1</sup>[The commissioner may ]-

(a) take, or withdraw from, proceedings, against any person who is charged with-

(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 corporation or the due administration of this act ;

(iii) committing any nuisance whatsoever ;

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1. Omitted for the word "toll" by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

2. Substituted for "central committee" by Tamil Nadu Act 22 of 1971.



(b) compound any offence against this act, the rules, by –laws or regulations which may be made by the <sup>2</sup>[State government] , be declared compoundable ;

(c) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll ;

(d) defend, or compromise any appeal against an assessment of tax ;

(e) take, withdraw from or compromise proceedings under sections 388 and 395 for the recovery of expenses or compensation claimed to be due to the corporation ;

(f) withdraw or compromise any claim for a sum not exceeding five-hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the commissioner, or with the approval of the <sup>3</sup>[standing committee] any such claim for any sum exceeding five – hundred rupees ;

(g) with the approval of the council, defend any suit or other legal proceeding brought against the corporation or against any municipal authority, officer or servant in respect of anything done or omitted to be done by them, respectively in their official capacity ;

(h) with the approval of the <sup>3</sup>[standing committee] compromise any claim, suit or other legal proceeding brought against the corporation or against any municipal authority ,officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(i) with the approval of the <sup>3</sup>[standing committee] institute and prosecute any suit or claim, other than a claim of the description specified in clause (f) which has been instituted or made in the name of the corporation or of the commissioner ;

(j) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, to obtain, or as he may be desired by <sup>1</sup>[the council, the standing committee or the wards committee] or any other committee 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, officer or servant.

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1. Substituted for the words “subject to the provisions of section 69, the commissioner may” by section 205 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

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

3. Substituted for “central committee” by Tamil Nadu Act 22 of 1971.

## PROTECTING CLAUSES.

**399. Indemnity to <sup>2</sup>[State Government], municipal authorities, officers an agents.--**No suit shall be maintainable against <sup>3</sup>[the <sup>2</sup> (State Government) or ] any municipal authority, Officer or servant or any person acting under the direction of <sup>3</sup>[the <sup>2</sup>( state Government ) or] Any municipal authority, officer or servant or of a magistrate, in respect of anything in good Faith done under this Act or any rule, by-law regulation or order made under it.

**400. Liability of commissioner and councillors for loss, waste or misapplication.--**(1) The commissioner and every councillor <sup>4</sup>[\* \* \*] shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporation, 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 <sup>2</sup>[State Government] or by <sup>5</sup>[the state Government.]

(2) Every such shall be commenced within three years after the date on which the cause of action arose.

<sup>6</sup>**[400-A Sanction for prosecution of Mayor Deputy Mayor, etc.--**When the Mayor or Deputy Mayor, or any councillor <sup>4</sup>[ \* \* \* ] or the commissioner is accused of any offence Alleged or to have been committed by him while acting or purporting to act in the discharge of His official duty, no magistrate shall take cognizance of such offence except with the previous sanction of the <sup>1</sup>[State Government.]

- 
1. Substituted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provisions Act, 1994 (Tamil Nadu Act 26 of 1994).
  2. The word “Provincial Government” were substituted for the words, “Local Government” by the Adaptation Order of 1937 and word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
  3. Inserted by section 206 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Omitted for the word “or alderman” by section 2(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  5. The words “the Provincial Government” were substituted for the words “the Secretary of State in Council” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.
  6. Inserted by section 208 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>2</sup>[**401. 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, in substance and effect, been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any court .

(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, in substance and effect, been 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.**

**402. Duties of police officers.**--It shall be the duty of every police officer-

(a) to communicate without delay to 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 ;

(b) to assist the commissioner or any municipal officer or servant, or any person to whom the commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the commissioner or in such municipal officer or servant or person under this Act or any such rule, by-law or regulation.

<sup>3</sup>[(c) \* \* \*]

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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. Substituted by section 209 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

3. Omitted by Schedule 1 to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).

and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

**403. Power of police officers to arrest persons.-** (1) If any police officer sees any person committing any of the provisions of this Act or of any rule, by-law or regulation 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.

**<sup>1</sup>[404. Exercise of powers of police officer by municipal servants.-** The <sup>2</sup>[State Government] may empower any municipal officer or servant or any class of municipal Officers or servants to exercise the powers of a police officer-

(a) for the purpose of this Act, or

(b) in respect of offences falling under section 53 or section 73 of the <sup>3</sup>[Chennai] city police Act, 1888.]

#### MISCELLANEOUS.

**405. Application of term 'public servant' to municipal officers, agents ad sub- agents.--** Every municipal officer or servant, every contractor or agent for the collection of an municipal tax <sup>4</sup>[ \* \* \* ] <sup>5</sup>[ fee or other sum], due to the corporation] and every person employed by any such contractor or agent for the collection of such tax, <sup>4</sup>[ \* \* \* ] <sup>5</sup>[fee or sum], shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**406. Prohibition against obstruction of council, committees, Mayor etc.--**No person shall obstruct or molest <sup>6</sup>[the council, <sup>7</sup>[any standing committee ], the Mayor or Deputy mayor, any councillor <sup>1</sup>[\* \* \*], the commissioner or any person employed by the corporation or] any person with whom the commissioner has entered into a contract on behalf Of the corporation in the performance of <sup>2</sup>[their duty] or of anything which <sup>3</sup>[they are empowered] or required to do by virtue or in consequence of this Act or of any rule, by-law, regulation or order made under it.

- 
1. Substituted by section 210 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. The word "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. Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.
  4. Omitted for the word "toll" by Schedule I to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act III of 1931).
  5. Substituted for the word "or fee" by section 211 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by section 212 (ii) of the Tamil Nadu Act X of 1936.
  7. Substituted for "any Committee constituted under this Act" by Tamil Nadu Act 22 of 1971.

**407. 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 authorized by this Act or by any rule, by-law, regulation or order made under it.

**408. 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 <sup>4</sup>[council], <sup>5</sup>[standing committee or any other committee] or the commissioner.

**409. Prohibition against unauthorized 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 corporation or river, estuary, canal, backwater or water-courses (not being private property) or in any way obstruct the same.

### **TRANSITIONAL AND TRANSITORY PROVISIONS**

**410. Passing of property and rights to corporation as reconstituted.--**All property and all interests of whatever kind owned by, vested in or held in trust by or for The corporation with all rights of whatever kind used, enjoyed or possessed by the corporation as constituted under the Madras City Municipal Act, 1904, as well as all liabilities legally subsisting against the said corporation shall pass to the corporation as constituted under this Act.

**411. 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 the corporation at the time this Act comes into force may be recovered as though they had accrued under this Act.

- 
1. Omitted for the words "or alderman" by section 2(2) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act X of 1958).
  2. Substituted for the words "his duty" by section 212 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the words "he is empowered" of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted for the word "corporation" by the section 213 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for 'a committee constituted under this Act' by Tamil Nadu Act 22 of 1971.

<sup>2</sup>[412. Omitted].

<sup>2</sup>[413. **Adjudication of disputes between local authorities.**--(1) When a dispute exists between the corporation and one, or more than one, other local authority in regard to any matter arising under the provisions of this or any other Act and the <sup>3</sup>[State Government] are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the <sup>3</sup>[State Government] may take cognizance of the dispute, and –

(a) decide it themselves, or

(b) refer it for enquiry and report to an arbitrator or board of arbitrators, or to a joint committee constituted under section 27-A for the purpose.

(2) The report referred to in clause (b) of sub- section (1) shall be submitted to the <sup>3</sup>[State Government] who shall decide the dispute in such manner as they deem fit.

<sup>4</sup>[(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) <sup>5</sup>[may at the instance of the local authorities, concerned, be modified ] from time to time by the <sup>3</sup>[State Government] in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section, <sup>6</sup>[may at the instance of such local authorities, be cancelled] at any time by the <sup>3</sup>[State Government.]

Any such decision or an 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.

- 
1. Omitted by section 93 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  2. Inserted by section 215 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  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 “Provisional” by the Adaptation Order of 1950.
  4. Substituted by section 2 of the Tamil Nadu 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).
  5. 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).
  6. Substituted for the word “may be cancelled” by the Second Schedule to the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

<sup>1</sup>[(4) The powers of the <sup>2</sup>[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.]

<sup>3</sup>**[414. Transitory provision.--**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 a special officer to exercise the powers and discharge the functions of the corporation until the day on which the first meeting of the council is held after ordinary elections to the corporation after the commencement of the Tamil Municipal Corporation Laws (Amendment and Special Provision) Act, 1994.

(2) The special Officer appointed under sub- section (1) shall hold office <sup>4</sup>[up the 31<sup>st</sup> day of December, 1996 or for such shorter period as the state Government may, by notification, specify in this behalf.]

**415. Powers, authority and responsibilities of the Municipal Corporation, standing committees etc.--**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 corporation, the standing committees, wards committees 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 matters listed in Schedule XI.

**416. Powers to remove difficulties.--**(1) If any difficulty arises in giving effect to the provisions of this Act, as amended by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 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 Municipal Corporation Laws (Amendment and Special provision) Act, 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 Municipal Corporation Laws (Amendment and special Provision) Act, 1994.

- 
1. Inserted by the Adaptation Order of 1937.
  2. Substituted for the word "Provincial" by the Adaptation Order of 1950.
  3. Inserted by the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).
  4. Substituted by Tamil Nadu Act 16 of 1996.

(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.]



**SCHEDULE I.**  
**ENACTMENTS REPEALED.**

[See section 2]

Year (1)	Number (2)	Short title (3)	Extent of Repeal (4)
		<b>Acts of the Government of Fort St. George in council.</b>	
1904	III	The Madras City Municipal Act, 1904	The whole.
1905	II	The Madras Port Trust Act, 1905	Section 34.
1907	IV	The Madras City Municipal Act (Amendment) Act, 1907.	The whole.
1911	II	The Madras City Municipal Act (Amendment) Act, 1911.	Do.

## **SCHEDULE II.**

### **Rules regarding proceeding of the Council and Committees.**

#### **THE COUNCIL**

(See section 31)

<sup>1</sup>[1. In these rules, 'member' means a councillor.

2. The Council shall meet in the municipal office for the transaction of business at least once in every month upon such day and at such hour as it may arrange and also at other time as often as a meeting may be convened by the mayor.

3. (1) No meeting shall be held unless at six clear days before the day of the meeting.-

(a) notice of the day and hour when the meeting is to be held and of the business to be transacted thereat has been given to the members, and

(b) notice of the day and hour of the meeting has been given by advertisement in the local newspapers.

(2) In cases of urgency, the Mayor may convene a meeting after giving to the members shorter notice than that specified in sub-rule (1) In such cases, notice of the day and hour of the day and hour of the meeting shall be published in such manner as the Mayor may deem most expedient.]

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1. Substituted by section 216 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936). The words "and an alderman" at the end of rule 1 were deleted by Tamil Nadu Act XXIV of 1958.

<sup>1</sup>[3-A. The agenda for the meeting of the council shall be prepared by the Mayor and the agenda for the <sup>2</sup>[standing committee] shall be prepared by the commissioner in consultation with the chairman of the <sup>2</sup>[standing committee]. On any subject included in the agenda for the meeting of the <sup>2</sup>[standing committee], its chairman shall have the right of recording his views in a note and such note shall be circulated to the members of the <sup>2</sup>[standing committee] or placed before the <sup>2</sup>[standing committee] before or at the time of the consideration of such subject by the <sup>2</sup>[standing committee.]

<sup>3</sup>[ \* \* \* ]

<sup>4</sup>[4. At <sup>5</sup>[An ordinary meeting held in each of the months] of April, June August, October, December and February, the <sup>6</sup>[Mayor] shall place before the council, a statement of receipts and disbursements on account of the municipal fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

<sup>7</sup>[5] <sup>7</sup>[(1) The Mayor shall call a special meeting on receiving a request in writing signed by <sup>8</sup>[Such number of members as shall constitute not less than one-fifth of the sanctioned strength of the council] specifying the resolution which it is proposed to move.]

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communication addressed to each <sup>9</sup>[member] any by <sup>10</sup>[advertisement in the local newspaper.]

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1. Inserted by section 95 of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961). Bracket and figure (1) omitted by Tamil Nadu Act 22 of 1971.
  2. Substituted for "central committee" by Tamil Nadu Act 22 of 1971.
  3. Omitted by Tamil Nadu Act 22 of 1971.
  4. Original rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 were renumbered as rules 3, 4, 5, 6, 7, 8, 11, 12, 14, 15, 16, 17, 18, 19 and 20 respectively by section 216 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for the words "each of the general meetings held in the months" by section 216 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Substituted for the word "President" by section 2 of the Chennai City Municipal (Amendment) Act, 1933 (Tamil Nadu Act III of 1933).
  7. Substituted for original sub-rule (10) by section 216(iv) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  8. Substituted for the words "not less than 12 members" by section 27(ii) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  9. Substituted for the word "councillor" by section 216(iv) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  10. Substituted for the word "Publication", by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

6. If the <sup>1</sup>[offices of Mayor and Deputy Mayor are vacant], the duties assigned to the <sup>2</sup>[Mayor] by <sup>3</sup>[rules 2 to 5] shall be performed by the commissioner.

7. <sup>4</sup>[All meetings of the council shall be open to the public, provided that the Mayor, Deputy Mayor or presiding member may direct that the public generally or any particular Person shall withdraw.]

8. <sup>5</sup>[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 Mayor, Deputy Mayor or presiding member shall have and exercise a second or casting vote.]

<sup>5</sup>[9.No business shall be transacted at any meeting unless there be present at least <sup>6</sup>[fifty ] members.]

<sup>5</sup>[10. No resolution of the council shall be modified or cancelled within three months after passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by <sup>7</sup>[such number of members as shall constitute not less than two-thirds of the sanctioned strength of the council.]

11.(1) Minutes of the proceedings of the council shall be entered in a book to be called the minutes book and shall be signed by the <sup>2</sup>[Mayor], <sup>8</sup>[Deputy Mayor or presiding member] after each meeting.

(2) The minutes book shall be open at the municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of eight annas.

12.(1) The council may appoint from among its own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the council.

- 
1. Substituted for the words “office of Mayor is Vacant” by section 216 (v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words “President” by section 2 of the Chennai City Municipal (Amendment) Act, 1933 (Tamil Nadu Act III of 1933).
  3. Substituted for the words and figures “rules 1 to 4 above” by section 216 (v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Substituted for rules 7 and 8 re-numbered by section 216 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for rules 7 and 8 re-numbered by section 216 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Substituted for “thirty three” by Tamil Nadu Act 7 of 1973.
  7. Substituted for the words “not less than 30 members” by section 27 (iii) of the Chennai City Municipal (Amendment) Act, 1958 (Tamil Nadu Act XXIV of 1958).
  8. Inserted by section 216 (vii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) By a resolution supported by <sup>1</sup>[such number of members as shall constitute not less than two-thirds of the sanctioned strength of the council]. The council may add to any committee so appointed persons who are not <sup>2</sup>[members], but who may possess special qualifications in regard to the matter to be inquired into :

Provided that the number of persons so appointed shall not exceed one half of the number of <sup>3</sup>[members] appointed to serve on the committee. <sup>4</sup>[All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of members shall save as regards the disqualifications on the ground of residence or of being a Government servant, be applicable, as far as may be, to such person.]

(3) The proceedings of every such committee shall be recorded in writing and submitted to the council.

<sup>5</sup>[13. The commissioner may grant copies of the proceedings and records of the council <sup>6</sup>[and the standing committee] on payment of such fees, as the council may by general or special order determine. Copies shall be certified by the commissioner as provided in section 76 of the Indian Evidence Act, 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.]

#### **<sup>6</sup>[THE STANDING COMMITTEE.**

14. Each standing committee shall meet at the municipal office at least once a month on such day and at such hour as the committee shall from time to time determine.]

15. The chairman of <sup>6</sup>[a standing committee] may at any time call a meeting of <sup>6</sup>[the standing committee] and shall do so within forty-eight hours of the receipt of a requisition signed by the commissioner or by three members of <sup>6</sup>[the standing committee] and stating the business to be transacted.

16. No business shall be transacted at any meeting of <sup>6</sup>[the standing committee] unless there is a quorum of three.

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1. Substituted for “thirty three” by Tamil Nadu Act 7 of 1973.
  2. Substituted for the word “councillors” by section 216 (viii) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Inserted by section 216 (vii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Added by section 216 (viii) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Inserted by section 216 (ix) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Substituted by Tamil Nadu Act 22 of 1971.

17. <sup>1</sup>[ All questions which may come before <sup>2</sup>[a standing committee] at any meeting shall be decided by the majority of the members present and voting at the meeting and in every case of equality of votes, the chairman or presiding member shall have and exercise a second of casting vote.

18.(1) All minutes of the proceedings of <sup>2</sup>[each standing committee] shall be entered in a book and shall be signed by the chairman or presiding member after each meeting.

<sup>2</sup>[(1) The minutes book of each standing committee shall be placed before the council at such times as it may appoint.]

<sup>2</sup>[19. In any case in which two or more standing committees have passed conflicting decisions and such conflict has not been adjusted, the commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the council, and pending the resolution of the council, the commissioner shall withhold all action in regard to the matter at issue.

20. Any member of a standing committee, other than the Mayor who fails to attend four consecutive meetings of the standing committee shall cease to be a member thereof, but may be re-elected by the council.]

**<sup>3</sup>[SCHEDULE III \* \* \*]**

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1. Substituted for rules 17 and 18 as renumbered by section 216 (x) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted by Tamil Nadu Act 22 of 1971.
  3. Schedule III was omitted by the Adaptation Order of 1937.

## **SCHEDULE IV**

### **Taxation Rules.**

(See section 138)

<sup>1</sup>[part]

### **PROVISIONS COMMON TO TAXES IN GENERAL**

1. (1) The commissioner shall prepare and keep assessment books in such form and in such parts and sections as he thinks fit, 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 by any person who pays any tax to the corporation or his authorized 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 corporation shall be open without charge to inspection by any person who pays any tax to the corporation or his authorized agent on a day or days in each month to be fixed by the council.

1-A. The commissioner 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 tax payable by the commissioner, the original assessment shall be made by the Mayor.

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1. Substituted by section 217 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

1-B.(1) The commissioner shall give to every person making payment of a tax a receipt therefore signed by him or some one duly authorized 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 payment has been made and in the case of property tax, also the property in respect of which payment has been made;

(d) the period for which payment has been made; and

(e) the amount paid.

## <sup>1</sup>[PART I-A

### ASSESSMENT OF PROPERTY TAX

1-C.(1) The Commissioner may, be giving publicity in the local newspapers and otherwise require the owner or the occupier of, any land or building, or a portion thereof to file a return within a period not exceeding one month from the date notified in this behalf by the Commissioner, containing the following particulars with regard to each assessable item, namely:--

(i) the name of the division and the street in which it is situated and the door number ;

(ii) description of the assessable item like number of storeys, plinth area in each storey and the extent of vacant land ;

(iii) the name of the owner ;

(iv) the name of the occupier ;

(v) the year in which the assessable item was last assessed and the amount of annual value fixed by the Commissioner ;

(vi) the amount of tax now being paid per half-year ;

(vii) whether the assessable item is used for residential or non-residential purpose ;

(viii) whether the assessable item is wholly rented or partly occupied by the owner and partly rented ; and

(ix) the amount received as rent or lease amount per year.

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1. Substituted by G.O. MS.No.1178, Municipal Administration and Water Supply, dated 10<sup>th</sup> December 1987 w.e.f. 1<sup>st</sup> April 1988.



2. If any person fails to file a return within the notified time, the Commissioner may authorize any person not below the rank of a Bill Collector to enter upon and make an inspection of the assessable item and prepare the return.

3. The Commissioner shall assess the property tax having regard to, \_

(1) the annual value fixed for the building on the date immediate before the date of general revision of the property tax ;

(2) the property tax payable by the owner or the occupier on the basis of the particulars field in the return ; and

(3) the property tax payable by the owner or the occupier with reference to the guidelines, if any, issued by the council.

4. (1) A property tax card which shall contain all the details relating to the assessable item and the amount of property tax payable shall be supplied to every owner or occupier who has filed the return under this rule and such card shall be sent to such owner or occupier by post.

(2) The commissioner shall receive the property tax specified in the property tax card and may make necessary entry in the said card and in the assessment book maintained by the Corporation.

(3) If any correction is to be made in the property tax card either in pursuance of any revision in the property tax or an order passed in appeal against the order of Commissioner, such correction shall be made and attested by the Commissioner or any officer authorised by him in this behalf in the property tax card and in the assessment book.

(4) The property tax card shall be valid until the assessment is revised during a general revision or earlier, as the Government may direct in this behalf.

(5) The Commissioner shall make arrangements for the verification of the particulars furnished in the return filed by the owner or occupier of every assessable item immediately after a general revision and before the next general revision.

(6) Consequent on the verification made under rule 5, if any discrepancy is noticed in the particulars furnished in the return filed by the owner or occupier, the Commissioner may, after giving such owner or occupier a reasonable opportunity, of being heard and after considering the objection, if any, received from him, modify the assessment from the date on which the assessment was made and collect the arrears of tax.]

PART II

**ASSESSMENT OF COMPANIES.**

(SEE SECTION 110)

7. Companies shall be assessed by the commissioner on the following scale:--

Paid-up capital (Lakhs of rupees)	Half-yearly Tax
	Rs.
A. Less than one	30
B. One and more than one, but less than two	50
C. Two and more than two, but less than three	100
D. Three and more than three, but less than five	150
E. Five and more than five, but less than ten	200
F. Ten and more than ten, but less than	500
G. Twenty and more than twenty	1,000

Provided that any company, the head or a principal office of which is not in the city and which shows that its gross income received in or from the city in the year immediately pre ceding the year of taxation—

(a) has not exceeded Rs.5,000	shall pay only 25 rupees per half- year ;
(b) has exceeded Rs.5,000 but has not exceeded Rs.10,000	shall pay only 50 rupees per half- year ;
(c) has exceeded Rs.10,000 but has not exceeded Rs.20,000	shall pay only 100 rupees per half- year ;
(d) has exceeded Rs.20,000	shall pay per half-year 100 rupees together with a sum calculated at the rate of 25 rupees per half-year for every 5,000 rupees or part thereof gross income in excess of Rs.20,000 subject to a maximum half-yearly tax of 1,000 rupees.

Provided further that when a company, the head or a principal office of which is not in the city becomes liable to tax for the first time, it shall pay in the first year at tax of 25 rupees; but if the gross income of the company during such year is subsequently found to have exceeded 5,000 rupees, it shall pay the tax calculated in accordance with the above mentioned scale less the initial payment of 25 rupees.]

<sup>1</sup>[ \* \* \* ]

1. Repealed by Tamil Nadu Act 24 of 1992.

PART III

**TAX ON CARRIAGES AND ANIMALS.**

(See section 116)

<sup>1</sup>[10.<sup>2</sup>[(1) The tax on carriages and animals shall be levied at rated not exceeding the following:-

Description of carriage or animal	Maximum half-yearly tax.
For every tram car.	.... <sup>3</sup> [900]
For every four-wheeled vehicle with springs or other appliance acting as springs constructed to be drawn by one or more animals.	.... 20
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals.	.... 10
For every bicycle or tricycle	.... 3
For every perambulator	.... 5
For every rickshaw	.... 10
For every hand-cart with springs or other appliances acting as springs	.... 10
For every elephant	.... 15
For every camel	.... 10
For every horse or mule not under 12 hands	.... 10
For every bullock or bull	.... 4
For every horse or mule under 12 hands	.... 5
For every male buffalo	.... 4
For every pig	.... 4
For every goat	.... 4
For every ass	.... 4
For every dog	.... 2.]

1. Substituted by Schedule 1 to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act 111 of 1931).
2. Substituted by Local Administration Department Notification No.125, dated the 1<sup>st</sup> April, 1946, published at page 94 of Part I-A of the Fort St. George Gazette, dated the 2<sup>nd</sup> April, 1946, re-enacted permanently by Local Administration Department Notification, dated the 26<sup>th</sup> April, 1948, published at pages 39 to 58 of the Rules Supplement of Part I-A of the Fort St. George Gazette, dated the 27<sup>th</sup> April, 1948.
3. Substituted for the figures "100" by section 2 of the Chennai City Municipal (Amendment) Act, 1950 (Tamil Nadu Act XXI of 1950).

(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 the 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 days 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.]

<sup>1</sup>[PART-IV \* \*]

<sup>1</sup>[\* \* \*]

<sup>2</sup>[PART V

### REVISION OF ASSESSMENT

12.(1) There shall be one or more Taxation Appeal Tribunals (hereinafter referred to in this part as "Tribunal") for hearing and disposing of an appeal preparing by any person who is not satisfied with the assessment order made by the Commissioner under this Act, other than the orders relating to the transfer duty and the tax on timber ;

(2) The Tribunal shall consist of a Judicial Officer not below the rank of a Sub-Judge ;

(3) The terms and conditions of the Tribunal shall be such as may be determined by the Government ;

(4) The salary and other allowances payable to the Tribunal shall be borne from the funds of the Corporation.

13.<sup>3</sup>[\* \* \*]

14.No appeal shall be entertained by the Tribunal unless the appellant deposits in the Corporation the existing tax and also fifty percent of the difference between the existing tax and the tax as assessed by the Commissioner in the revision.

15.An appeal against the decision of the Tribunal may be filed within thirty days from the date of the order to the Principal Judge, City Civil Court.

16.(1) Every appeal filed under this part shall be entered in a register maintained for this purpose by the Tribunal ;

(2) The Tribunal shall give a person filing an appeal a written notice specifying the place, date and time of hearing the appeal ;

(3) The Tribunal shall dispose of the appeal within five months from the date of filing of the appeal ;

(4) Any person preferring an appeal may either appear in person or through an authorized agent before the Tribunal ;

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1. Omitted by Schedule 1 to the Tamil Nadu Motor Vehicles Taxation Act, 1931 (Tamil Nadu Act 111 of 1931).

2. Substituted by G.O.MS. NO.1178, Municipal Administration and Water Supply, dated 10<sup>th</sup> December 1987 w.e.f. 1<sup>st</sup> April 1988.

3. This rule has been struck down in the judgment rendered in W.P.No.1421/93, dated 5<sup>th</sup> February, 1993.

(5) The gist of the order passed in an appeal shall be recorded in the register which shall be duly attested by the Tribunal and copy of the order shall be supplied within ten days from the date of passing of the order to the appellant.]

## PART VI

### COLLECTION OF TAXES

(See section 138)

<sup>1</sup>[20. (1) Where any tax, not being a tax in respect of which a notice has to be served under section \* 113 or section 120-A <sup>2</sup>[ \* \* \* ] is due from any person the commissioner shall cause to be served upon or sent to such person a bill for the sum due before proceeding to enforce the provisions of rule 21.

(2) A notice under section \*113 or section 120-A and a bill under sub-rule (1) shall be signed by the commissioner 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 other particulars of the demand, and

(b) notice of the liability which may be incurred in default of payment.

(3) Where a notice <sup>3</sup>[or bill] 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 shall not be demanded.]

<sup>4</sup>[(21. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill <sup>5</sup>[\* \* \*] referred to in section \*113 or section 120-A. <sup>6</sup>[\* \* \* 1 or rule 20 and if the person from whom the tax is due has not shown cause to the satisfaction of the commissioner why it should not be paid, the commissioner may recover by distraint under his warrant and sale of

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1. Substituted by section 226 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted for the words “or a direction has to be given under rule 6” by rule 5 in Local Administration Department Notification No.1204, dated the 27<sup>th</sup> November, 1941, published at page 912 of Part I-A of the Fort St. George Gazette, dated the 9<sup>th</sup> December 1941, re-enacted permanently by Local Administration Department Notification, dated the 26<sup>th</sup> April, 1948, published at pages 39 to 58 of the Rules Supplement to Part I\_A, of the Fort St. George Gazette, dated the 27<sup>th</sup> April, 1948.
  3. Substituted by rule 5 (ii), in Local Administration Department Notification No.1204, dated the 27<sup>th</sup> November, 1941, published at page 912 of part I-A of the Fort St. George Gazette, dated the 9<sup>th</sup> December, 1941, re-enacted permanently by Local Administration Department Notification, dated the 20<sup>th</sup> April, 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 27<sup>th</sup> April, 1948.
  4. Substituted by section 226 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Omitted for the words “or the giving of the direction” by rule 6, in Local Administration Department Notification No.1204, dated the 27<sup>th</sup> November, 1941, of the Fort St. George Gazette, dated the 27<sup>th</sup> April 1948.
  6. Omitted for the words “or rule 6, in Local Administration Department Notification No.1204, dated the 27<sup>th</sup> November, 1941, of the Fort St. George Gazette, dated the 27<sup>th</sup> April, 1948.

\* Now section 113 was repealed by Tamil Nadu Act 24 of 1992.

the movable property of the defaulter or if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such further sums as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained :

Provided, always the movable property described in the proviso to sub-section (1), section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

<sup>1</sup>[**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) If for any reason the distraint, or sufficient distraint, of the defaulter's property is impracticable, the commissioner may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a civil Court for the recovery of any tax, duty or other amount due to it under this Act.]

<sup>2</sup>[21-A Notwithstanding anything contained in any rule in this Part, it shall not be necessary for the commissioner to send any notice for the levy and collection of property tax under section 98.]

<sup>3</sup>[22. Omitted].

23. Under a special order in writing of the commissioner, any officer charged with the execution of a warrant of distress may between sunrise and sunset, break open any outer or inner door or window of a 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.

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1. Inserted by Local Administration Department Notification No.626 dated the 19<sup>th</sup> October, 1943, published at page 382 of Part I-A of the Fort St. George Gazette dated the 23<sup>rd</sup> November, 1943, re-enacted permanently by Local Administration Amendment Notification in the Rules Supplement to part I-A of the Fort St. George Gazette, dated the 27<sup>th</sup> April, 1948.
  2. Inserted by G.O. Ms.No.1178, Municipal Administration & Water Supply, dated 10<sup>th</sup> December 1987.
  3. Omitted by section 226 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>1</sup>[24. 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 but if the tax or fee is not paid, the officer shall –

(a) seize such movable property of the defaulter as he may think necessary ;

(b) make an inventory of the property seized ; and

(c) given to the person in possession of the property seized at the time of seizure, a copy of the inventory and the notice of sale :

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.]

25. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible <sup>2</sup>[equal in value to the tax] due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

<sup>3</sup>[26.(1) If the amount due to 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 24 and if the distraint warrant is not suspended by the commissioner, the property seized or a sufficient portion thereof, shall be sold by public auction under the orders of the commissioner 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 application is made by such person within twelve months from the date of the sale. If no such application is made, the property or sum so remaining shall be forfeited to the corporation. 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 commissioner may again proceed under rules 21 and 23 in respect of the sum remaining unpaid.

(2) When the property seized is perishable or subject to speedy and natural decay or if the expense of keeping it will, together with the amount of the tax due, exceed the value of the property, the commissioner may sell it at any time before the expiry of the said period of seven days unless the amount due is sooner paid.

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1. Substituted by section 227 of the Tamil Nadu Act X of 1936.

2. Substituted for the words “Proportionate in value to the sum” by Section 228 of the Tamil Nadu Act X of 1936.

3. Substituted by section 229 of the Tamil Nadu Act X of 1936.

(3) The commissioner 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 commissioner decides 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 rules 21 and 23; and all fees any expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the commissioner that he willfully permitted the distraint of the property when to his knowledge it was not liable to distraint.]

<sup>1</sup>[27. (a) Fees shall be levied on distraint under this Act with reference to the amount due for which the distraint is made and according to the rates specified in the following table :--

<b>SUM DISTRAINED FOR</b>		Fees.
		Rs. P.
Under one rupee	...	0.25
One rupees and over but under five rupees	...	0.50
Five rupees and over but under ten rupees	...	1.00
Ten rupees and over but under fifteen rupees	...	1.50
Fifteen rupees and over but under twenty rupees	...	2.00
Twenty rupees and over but under twenty-five rupees	...	2.50
Twenty-five rupees and over but under thirty rupees	...	3.00
Thirty rupees and over but under thirty-five rupees	...	3.50
Thirty-five rupees and over but under forty rupees	...	4.00
Forty rupees and over but under forty-five rupees	...	4.50
Forty-five rupees and over but under fifty rupees	...	5.00
Fifty rupees and over but under sixty rupees	...	6.00
Sixty rupees and over but under eighty rupees	...	7.50
Eighty rupees and over but under one hundred rupees	...	9.00
One hundred rupees and over	...	10.00

(b) Such fees shall include all expenses except—

(i) the cost of maintaining any livestock or the expenses incidental to the detention of the distrained property ; and

(ii) the charge payable on account of peons having or put in charge of the distrained property, namely, nineteen naya paise daily for each peon.]

1. Substituted by section 96 (v) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).



28. (a) The movable property of a defaulter may be distrained wherever it may be found within the presidency of Madras.

(b) If it is necessary to distrain property outside the limits of the city, the commissioner shall address his warrant to such public servant having local jurisdiction as the as the <sup>1</sup>[State Government] may by general or special order direct.

(c) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.

(d) Subject to the modification set out in the following clauses, the provisions of rules 23 to 27 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale-proceeds.

(e) For the purpose of action under rule 23, no special order in writing of the commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(f) For the purpose of action under rule 26, the public servant to whom the warrant is addressed may, without further orders from the commissioner, sell or direct the sale of the property seized and shall on completion of the sale transmit the proceeds to the commissioner, subject to such deduction, if any, as may be necessary, to meet expenses incurred locally.

(g) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

<sup>2</sup>[29. If the tax due on account of any building or land remains unpaid in whole or in part at the end of the period in sub-rule (1) of rule 21, the commissioner 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 not being less than fifteen days and if the occupier fails to comply with such requisition, the commissioner<sup>4</sup> may distrain and sell any movable property found on the building or land and the provisions of the foregoing rule 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 willfully prevent distraint or a sufficient distraint.]

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

2. Substituted by section 230 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

<sup>1</sup>[29-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 21 and if such person has left <sup>2</sup>[\* \* \*] India or cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connection therewith shall be recoverable as if it were an arrear of land revenue.]

<sup>1</sup>[29-B.(1) Every person who is prosecuted under sub-rule (2) of rule 21 shall be liable on proof to the satisfaction of the magistrate that he willfully omitted to pay the amount due by him 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.

(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 corporation, 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 corporation such amount, if any, as he may fix as the costs of the prosecution.]

<sup>1</sup>[29-C. Neither the commissioner 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 VII

### MISCELLANEOUS

(See section 138)

30. The commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with--

(a) <sup>3</sup>[\* \* \*]

(b) the drainage tax ; and

(c) the lighting tax.]

31. <sup>4</sup>[In these rules], the expression 'tax' includes payments due by way of composition for a tax.

- 
1. Substituted by section 230 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted for the words "British" by the Adaptation (Amendment) Order of 1950.
  3. Omitted for "the water tax" by section 85 of Tamil Nadu Act 28 of 1978.
  4. Substituted for the words by "For the purpose of Parts V and VI of these rules" by section 233 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

## **SCHEDULE V**

### **Financial Rules**

#### **Part I**

(See section 141)

### **AUTHORIZED EXPENDITURE**

<sup>1</sup>[1.The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by laws or rules, and in general everything necessary for or conducive to the safety, health, convenience or education of the citizens of <sup>2</sup>[Chennai] or to the amenities of the city and everything incidental to the administration and the fund shall be applicable thereto within the city subject to these rules and such further rules or special orders as the <sup>3</sup>[State Government] may prescribe or issue; and shall be applicable thereto outside the city, if the expenditure is authorized by this Act or specially sanctioned by the <sup>3</sup>[State Government].]

2. The object of expenditure connected with the public safety include the following :--

(a) Lighting of public street and the provision, purchase, exploitation and maintenance of gas, electric or other undertaking for lighting public and private streets, places and buildings ;

- 
1. Substituted by section 233 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.
  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.

(b) Extinction of fires ;

(c) Control, supervision or removal of dangerous places, buildings, trades and practices ;

(d) Regulation of traffic ;

(e) Prevention and removal or obstructions in streets or public places.

3. 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 or without the city for the treatment of infectious diseases occurring in the city; building hospitals and dispensaries and places or reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided by the <sup>1</sup>[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 <sup>1</sup>[State Government] to provide a common hospital, dispensary or place of reception; sending indigent inhabitants of the city to institutions outside the city for treatment, the training of health officers, <sup>2</sup>[medical practitioners], medical sub ordinates, sanitary inspectors and analysisist; the training of <sup>2</sup>[midwives and] nurses and the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; <sup>2</sup>[the provision of health visitors, midwives and dhais for attendance or maternity cases]; 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 city; and other measures of a like nature;

(b) The construction, establishment, maintenance, supervision and control of public markets and slaughter-houses; <sup>2</sup>[of shops, stalls and plinths]; of latrines; of drains and drainage works <sup>3</sup>[\* \* \*] of tramways; <sup>4</sup>[\* \* \*] <sup>5</sup>[\* \* \*] of wash houses or <sup>6</sup>[Salavaithuraikal] and gardens the reclamation of unhealthy localities; and other sanitary measures of a like nature;

- 
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. Inserted by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Omitted for the words "of sewage farm and all works for the removal or disposal of sewage" by section 85 of Tamil Nadu Act 28 of 1978.
  4. Omitted for the words "and other works for the removal of sewage" by section 234 (ii) (c), of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Omitted for the words "of water works, drinking foundations, tanks and wells" by section 85 of Tamil Nadu Act 28 of 1978.
  6. Substituted for the words "Dhobikanas" by section 97 (i) (1) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

(c) The cleansing and watering of streets and drains; scavenging; the removal of excessive or noxious vegetation, the abatement of all nuisances;

(d) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning-grounds and crematoria; <sup>1</sup>[improvement of burial and burning ground and crematoria] and 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 <sup>2</sup>[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 the municipal limits, redistribution of sites, in such extensions; and all measures of a like nature.

<sup>3</sup>(e) The acquisition, construction, maintenance, enlargement, improvement, alteration, repairs, management and letting of dwelling-houses of the use of the working classes as well as middle classes and of any buildings for the use or convenience of the inmates of such dwelling-houses and the doing of any act or thing necessary or expedient to facilitate any such undertaking and the acquisition of land and buildings for any purpose.

(f) The prevention of adulteration of food or food products, maintenance of laboratories for food and water analysis and maintenance of research laboratories.]

4. The objects of expenditure connected with the public convenience, amenities and education include—

(a) The construction, maintenance, diversion and improvements of streets, bridges, causeways culverts and the like; the regulation of buildings; the construction of model dwellings <sup>4</sup>[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) The construction, maintenance, alteration and adornment of public halls and theatres, the acquisition and maintenance of recreation grounds, playing fields and promenades;

- 
1. Inserted by section 234 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 234 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act 56 of 1936).
  3. Inserted by section 97 (i) (2) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 12 of 1961).
  4. Inserted by section 235 (i), of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(c) Subject to all provisions of law, the construction, maintenance, purchases of exploitation of tramways and other transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and <sup>1</sup>[other agricultural, industrial or trading concerns] or public utility, whether 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 concern ;

(d) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals and the prevention of cruelty to animals;

(e) The provision and maintenance of zoological and horticultural gardens;

(f) The provision and maintenance of public libraries and reading-rooms, museums, art galleries; gymnasia or any other institution connected with the diffusion of mental or physical culture;

<sup>2</sup>[(ff) The construction of boat-houses and wharves ;

(fff) The construction and maintenance of stadia for sports and recreation, club-houses, tourist homes, model restaurants, cold storage rooms and underground safety cellars for film storage];

(g) The provision and maintenance of <sup>3</sup>[public baths, bathing places and swimming pools];

(h) The provision of music for the people;

<sup>4</sup>[(hh) the provision and maintenance of colonies for the corporation establishment];

(i) The provision and maintenance of public clocks and clock-towers or of a time gun;

(j) The construction and maintenance of school houses <sup>5</sup>[and mid-day meals centres in the city];

<sup>6</sup>[(k) Primary, secondary and high school education];

- 
1. Substituted for the words "Other Industrial Concerns" by section 235 (ii) Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 97 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Substituted for the words "public baths and bathing places" by section 97(ii) (2) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  4. Inserted by section 97 (ii) (3) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  5. Added by section 97 (ii) (4) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  6. Substituted by section 97 (ii) (5) of the

- (l) Technical and industrial education;
- (m) The training of teachers;
- (n) The provision of standard weights, scales and measures, and of public weighing places ;
- (o) The holding of exhibitions or fairs;
- (p) The provision and maintenance of rest-houses, choultries, alms houses, poor houses, <sup>1</sup>[homes or settlement for beggars, work-houses, infirmaries and childrens' homes], pounds and other works of public utility;
- (q) The organization and maintenance of health associations <sup>2</sup>[and the provision and organization of health propaganda work in slums and other areas];
- (r) The organization and maintenance of <sup>3</sup>[maternity and child welfare centres and] associations for the prevention of juvenile smoking and cruelty to children, <sup>4</sup>[and training of health visitors];
- <sup>5</sup>[(s)the provision and maintenance of rescue homes].

5. 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 pensionary and provident fund contributions, gratuities and pensions, and the cost of hire of vehicles for the commissioner and the municipal officers and servants; study leave allowance of professional officers and subordinates; sending municipal servants to any hospital or institute <sup>6</sup>[including the Pasteur Institute, Coonoor] for treatment; <sup>7</sup>[the purchase of provisions and other necessaries for sale to municipal subordinates.

- 
1. Inserted by section 235 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Inserted by section 235 (iv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Inserted by section 235 (v) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Added by section 235 (v) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Added by section 235 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by section 236 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  7. Added by section 4(1) of Tamil Nadu Act VII of 1922. It shall be deemed to have been in force from the 1<sup>st</sup> October, 1919—See section 1(2) of the Adaptation (Amendment) Order of 1950.

**Explanation:-** ‘Salary’ for the purpose of this rule shall include the privilege, if any, granted by the corporation of receiving payments in kind in lieu of the whole or a portion of the salary by purchasing articles from the corporation at such prices as the corporation may fix from time to time.]

(c) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the councils ;

(d) Legal expenses;

<sup>1</sup>[(e) Election expenses];

(f) Auditors’ fees;

(g) The provision and maintenance of municipal workshops, <sup>2</sup>[and factories for the manufacture of electrically driven vehicles, lorry stations and a fleet of motor vehicles for municipal purposes];

(h) Municipal surveys, the preparation of maps of the city and of proposed extensions;

(i) The preparation and maintenance of a record of rights in immovable property ;

(j) The acquisition of land for all or any of the purpose of the Act.

<sup>3</sup>[5-A. Expenditure on the payment of the election expenses including the cost of the preparation and revision of the electoral rules, the conduct of elections to the corporation council and the maintenance of the election establishment, is obligatory subject to special directions that the State Government may issue, by notification.

**Explanation:-** The cost of maintenance of the election establishment shall include the pay, leave allowances and pension, if any. Of the officers and servants of the Governments or of any other authority employed in the preparation and revision of the electoral roll and in the conduct of the elections.

5-B. The State Government shall determine every year the amount of the election expenses referred to in rule 5-A and their determination shall be final and binding on the corporation council. Such amount shall have priority over all other charges except charges for the service, of authorized loans and the expenses specified in sub-section (1) of section 43.]

6. <sup>4</sup>[xxx]

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1. Substituted by section 236 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Added by section 97 (iii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Inserted by G.O.Ms. No.1825, Local Administration, dated 10<sup>th</sup> September, 1968.
  4. Omitted by Tamil Nadu Act 22 of 1971.



7. <sup>1</sup>[x x x]

8. The commissioner may, with the sanction of the council, contribute towards the expenses of any public exhibition, ceremony or entertainment in the city.

9. The commissioner may, with the sanction of the council, defray the cost of the preparation and presentation of addresses to persons of distinction.

10. The commissioner may, with the sanction of the council, and of the <sup>2</sup>[State Government], contribute to any fund for the defence of the city <sup>3</sup>[or India], to any charitable fund, for to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of the diseased or infirm persons or the investigation of the causes of disease <sup>4</sup>[or incur any other extraordinary charges.]

## PART II.

<sup>5</sup>[11. All moneys received by the corporation shall be lodged in the <sup>6</sup>[State Bank of India] or with the sanction of <sup>2</sup>[State Government] in any other bank and shall be credited to an account entitled the "Municipal Fund Account":

Provided that any such moneys may with the sanction of <sup>2</sup>[State Government]—

(i) be invested in any of the securities specified in section 20 of the Indian Trust Act, 1882, or in any other security which may be approved by the <sup>2</sup>[State Government]; or

(ii) be placed on a fixed deposit in the <sup>5</sup>[State Bank of India] or in any other bank approved by the <sup>2</sup>[State Government.]

<sup>7</sup>[12. (1) All orders or cheques against the municipal fund shall be signed by the commissioner or <sup>8</sup>[any officer or servant of the corporation specially

- 
1. Omitted by Tamil Nadu Act 22 of 1971.
  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. Substituted for the words "India or the Empire", by the Adaptation (Amendment) Order of 1950.
  4. Added by section 4(2) of Tamil Nadu Act VII of 1922 and shall be deemed to have been in force from the 1<sup>st</sup> October, 1919—See section 1(2) of the Adaptation (Amendment) Order of 1950.
  5. Substituted by Notification No.1639, Local Self-Government, dated the 15<sup>th</sup> November, 1932, published at pages 1033-1034 of Part I-A of the Fort St. George Gazette, dated the 15<sup>th</sup> November, 1932.
  6. Substituted for the words "Imperial Bank of India" by section 97 (v) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  7. Added by section 238 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  8. Substituted for the words "in his absence by the revenue Officer" in G.O. Ms. No.1148, Rural Development and Local Administration Department, dated the 19<sup>th</sup> April, 1961 published at page 519 of Part V of the Fort St. George Gazette, dated the 3<sup>rd</sup> May, 1961.

authorized by the commissioner in this behalf] and the bank in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders of cheques against the funds which are so signed.

<sup>1</sup>[(2) If the council shall have given previous authority in writing, such bank may at once pay out of the municipal fund without such order or cheque any expense which the <sup>2</sup>[State Government] have incurred on behalf of the corporation.]

13. The payment of any sum out of the municipal fund may be made or authorized by the commissioner if such sum is covered by a budget-grant and a sufficient balance of such budget-grant is available.

14. The payment of any sum out of the municipal fund may be made or authorized by the commissioner in the absence of budget provision in the case of--

(a) refunds of taxes and other moneys authorized by law, rule, by-law or regulation ;

(b) repayment of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the municipal fund by mistake;

(c) costs incurred by the commissioner in the exercise of his powers under section 11 of the Act ;

(d) sums payable under section 43, sub-section (!), clause (c) and section 153, sub-section (2) of the Act;

(e) sums payable under a decree or order of a civil court passed against the corporation or under a compromise of any suit or legal proceeding or claim;

(f) any sum which the commissioner is required by law, rule, by-law or regulation to pay by way of compensation or expenses;

(g) the salary payable to a special health officer appointed under section 89 of the Act ; and

(h) expenses incurred by the commissioner under section 334, sub-section (3), and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law ;

Provided that the commissioner shall forthwith communicate the circumstances to the <sup>3</sup>[standing committee] which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget-grant.

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1. Added by section 238 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

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

3. Substituted for "corporation accounts committee" by Tamil Nadu Act 22 of 1971.

15. <sup>1</sup>[Omitted].

### PART III.

#### **AUDIT SURCHARGE AND DISALLOWANCE.**

16. The auditors appointed under section 140 shall maintain and keep a continuous audit of the municipal accounts.

17. (1) The commissioner shall submit all accounts to the auditors as required by them.

(2) The commissioner shall make ready the annual accounts and registers and produce them before the auditors for scrutiny not later than the first day of July in the year succeeding that to which such accounts and registers relate.

18. The auditors may—

(a) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts ;

(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 ; and

(c) require any person so appearing to make and sign as declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

19. The auditors shall—

(a) report to the <sup>1</sup>[standing committee] and material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the corporation or in the municipal accounts ;

(b) furnish to the <sup>1</sup>[standing committee] such information as the said committee may require concerning the progress of their audit ;

(c) report to the <sup>1</sup>[standing committee] 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

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1. Omitted by G.O. Ms. No.652, Local administration, dated the 5<sup>th</sup> May, 1954, at page 89 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 26<sup>th</sup> May, 1954.

2. Substituted for “corporation accounts committee” by Tamil Nadu Act 22 of 1971.

(d) submit to the <sup>1</sup>[standing committee] a final statement of the audit and a duplicate copy thereof to the <sup>2</sup>[State Government] within a period of three months from the end of the financial year or within such other period as the <sup>2</sup>[State Government] may notify.

<sup>3</sup>[20. (1) The commissioner shall forth with remedy any defects or irregularities that may be pointed out by the auditors and send a report of the same to the <sup>1</sup>[standing committee] which shall forward the report to the council.]

<sup>4</sup>[(2) The council shall submit its remarks on the audit report, if any, to the <sup>2</sup>[State Government] through the Examiner of Local Fund Accounts within six months after the receipt of the report by the corporation.]

<sup>5</sup>[20-A. Copies of all correspondence addressed to or by the <sup>1</sup>[standing committee] or its chairman—

(a) on all matters falling within the scope of rules 19 and 20; and

(b) on such other matters of importance as the commissioner may from time to time determine shall be sent simultaneously to the commissioner by the auditors or by the chairman of the <sup>1</sup>[standing committee] as the case may be.]

21. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making or <sup>6</sup>[authorizing the making of] the illegal payment; and may charge against any person responsible therefore, the amount of any deficiency or loss incurred by the negligence or misconduct of 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. Substituted for “corporation accounts committee” by Tamil Nadu Act 22 of 1971.
  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. Original rule 20 was renumbered as sub-rule (1) of rule 20 by section 239 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936) and for sub-rule (1) as so renumbered this sub-rule was substituted by Local Administration Department Notification No.1411, dated the 7<sup>th</sup> November 1940, published at page 956 of Part I-A of the Fort St. George Gazette, dated the 7<sup>th</sup> December, 1940, re-enacted permanently by Local Administration Department Notification dated the 26<sup>th</sup> April, 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A of the Fort St. George Gazette dated the 27<sup>th</sup> April, 1948.
  4. Added by section 239 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Inserted by Local Administration Department Notification No.943, dated the 13<sup>th</sup> August, 1940, published at page 598 of Part I-A of the Fort St. George Gazette, dated the 20<sup>th</sup> August, 1940, re-enacted permanently by Local Administration Department Notification, dated the 26<sup>th</sup> April, 1948, published at pages 39 to 58 of the Rules Supplement to Part I-A the Fort St. George Gazette, dated the 27<sup>th</sup> April, 1948.
  6. Substituted for the words “authorizing” by section 240 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish <sup>1</sup>[by registered post] a copy thereof to the person against whom it is made.

<sup>2</sup>[(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 22 and 23 shall be calculated from the date of such refusal.]

22. 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 auditors, either (a) apply to the Court of Small Causes of <sup>3</sup>[Chennai] notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, 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 appeal to the <sup>4</sup>[State Government] who shall pass such orders as they think fit.

23. Every sum certified to be due from the person by auditors under this Act shall be paid by such person to the commissioner 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 <sup>4</sup>[State Government] against the decision; and such sum if not so paid, or such sum as the court or the <sup>4</sup>[State Government] shall declare to be due, shall be recoverable on an application <sup>5</sup>[made by the commissioner] to the court in the same way as an amount decreed by the court.

<sup>6</sup>[24. Interest at the rate of six per cent annum shall be charged on the disallowance, surcharge or charge amount due, with effect from the day 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 21. 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 31 of the Civil Procedure Code, 1908 (Central Act V of 1908).]

<sup>1</sup>[25. The corporation shall pay to the auditors out of the municipal fund such remuneration as the <sup>2</sup>[State Government] may determine.]

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1. Inserted by section 240 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Added by section 240 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the word "Madras" by Tamil Nadu Act 28 of 1996.
  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. Inserted by section 241 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  6. Inserted by G.O.Ms.No.1960, Rural Development and Local Administration dated 4<sup>th</sup> September, 1974.

PART IV.

**FORM OF ACCOUNTS.**

<sup>3</sup>[26.] The council shall make regulations, subject to the approval of the <sup>2</sup>[State Government] to provide for –

(a) the form in which the budget estimates, budget statements and returns of the corporation shall be kept ; and

(b) the form in which the accounts of the corporation shall be kept.

- 
1. Inserted by section 241 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X 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. Inserted by G.O. Ms. 1960 Rural Development and Local Administration, dated 4<sup>th</sup> September, 1974.

**<sup>1</sup>[SCHEDULE VI.]**

**Purposes for which <sup>2</sup>[Places] may not under  
Section 287 be used without a Licence.**

(See section 287)

**Aerated waters** – Manufacturing.

**Ammunition** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>3</sup>**[Arrack** – Manufacturing.]

**Articles made of flour** – Baking, pressing, keeping or storing for human consumption (for other than domestic use.)

**Ashes** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever dumping or sifting.

<sup>4</sup>**[Beedies** – (Beedi leaves) manufacturing, storing or selling.]

<sup>3</sup>**[Beer** – Brewing.]

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1. Substituted by section 242 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the word “premises” by section 98(i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Inserted by Public Health Department Notification, dated the 4<sup>th</sup> May, 1948, published at page 64 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 18<sup>th</sup> May, 1948.
  4. Inserted by section 98 (ii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

**Biscuits** – Baking, preparing, keeping or storing for human consumption (for other than domestic use.)

**Blood** – Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Bones** -- Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

<sup>1</sup>[**Bran** – Selling wholesale or retail or storing for wholesale or retail trade.]

**Bread** -- Baking, preparing, keeping or storing for human consumption (for other than domestic use.)

**Bricks** – Manufacturing.

**Comphor** -- Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever or boiling.

**Candles** -- packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Carpets** – Manufacturing.

<sup>2</sup>[**Cashewnuts** – Burning sand extracting kemels from cashewnut.]

**Catgut** -- Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Cement** -- packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Charcoal** – Dumping, sifting, selling or storing.

**Chemical preparations** -- Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Chillies** – Grinding by machinery.

<sup>3</sup>[**Chillies** (dried) – Selling wholesale or retail or storing for wholesale or retail trade.]

- 
1. Inserted by Public Health Department Notification No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11<sup>th</sup> July, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification dated 28<sup>th</sup> March, 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.
  2. Inserted by section 98 (iii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  3. Substituted for the entry relating to “chillies (dried)” by Public Health Department No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11<sup>th</sup> July 1944.



**Chlorate mixture** – Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Cinders** -- Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, dumping or sifting.

<sup>1</sup>[**Clothes** (second-hand) -- Storing, Selling or hiring second-hand clothes, blankets, mattresses, pillows or bedding.]

**Clothes** – Dyeing.

**Coal** – Dumping, sifting, selling or storing.

**Coconut fibre** -- Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever.

**Combustible material** – Storing.

**Combustible** – Banking, preparing, keeping or storing for human consumption (for other than domestic use).

**Condiments** – Manufacturing.

**Confectionery** -- Banking, preparing, keeping or storing for human consumption (for other than domestic use).

<sup>2</sup>[**Cotton** – Selling wholesale or retail, storing for wholesale or retail trade<sup>3</sup> or for conversion into yarn, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Cotton refuse, cotton seed** – Selling wholesale or retail, storing for wholesale or retail trade, packing, pressing, cleansing, preparing or manufacturing by any process whatever.]

**Cowdung cakes** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Dyes** – Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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1. Inserted by section 98 (iv) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
  2. Substituted by Public Health Department Notification No.401, dated the 29<sup>th</sup> September, 1944, published at page 239 of Part I-A of the Fort St. George Gazette, dated the 3<sup>rd</sup> October, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949, for the entry relating to “cotton refuse, cotton seed” as amended by Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, referred to above.

**Explosive** – Storing.

**Fiber** – Selling or storing.

**Fat** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Fin** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Firewood** – Selling or storing.

**Fire works** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Fish** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Fish oil** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Flax** - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Fleshings** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Flour** – <sup>1</sup>[Selling wholesale or retail, storing for wholesale or retail trade]. Packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Fuel** – Using for any industrial purpose.

**Fulminate of mercury** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Garlic** – Storing or packing.

**Gas** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Ghee** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>2</sup>[**Glass** – Industry.]

**Gold** – Refining.

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1. Inserted by Public Health Department Notification No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11<sup>th</sup> July, 1944, re-enacted permanently with retrospective effect from and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification, dated 28<sup>th</sup> March, 1949, published at pages 23 to 32 of the Rules Supplement to part I-A of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.

2. Inserted by section 98 (v) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

<sup>1</sup>[**Grain** – Selling wholesale or retail or storing for wholesale or retail trade.]

**Gram** – Husking by machinery.

**Grass** – Selling or storing.

<sup>2</sup>[**Gravel or metal** – Digging.]

<sup>3</sup>[**Groundnut** – Selling wholesale or retail or storing for wholesale or retail trade.]

**Gun cotton** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Gunny-bag** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Gunpowder** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Hair** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

**Hay** – Selling or storing.

**Hemp** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Hides** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Hoofs** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Horns** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>4</sup>[**Ice** – Manufacturing, storing, or selling.]

**Ice** – Articles manufactured out of ice or in the manufacture of which ice forms the main ingredient – storage or sale.]

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1. Substituted for the entry relating to “grain” by Public Health Department Notification No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11<sup>th</sup> July, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, published at pages 23 to 32 the Rules Supplement to Part I-A of Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.
  2. Inserted by section 98 (vi) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu 56 of 1961).
  3. Substituted for the entry relating to “groundnut” by Public Health Department Notification No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette dated the 11<sup>th</sup> July, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by the Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, published at pages 23 to 32 of the Rules supplement to Part I-A of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.
  4. Substituted for the original entry by section 98 (vii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu 56 of 1961).

<sup>1</sup>[**Jaggery** – Selling wholesale or retail, storing for wholesale or retail trade, packing, pressing, cleansing, preparing or manufacturing by any process whatever.]

**Jute** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Kathi** – Preparing.

**Lac** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Lead** – Melting.

**Leather** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Lime** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Limeshells** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Manure** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>2</sup>[**Machinery** – Other than such machinery as may by notification, be exempted by the State Government from time to time – Using for any industrial or agricultural purpose.]

**Matches** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Meat** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>3</sup>[**Metals** – Beating, breaking, digging, hammering, casting, etc.]

**Mineral oil** – Storing and selling (wholesale or retail).

**Nitro-Compound** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Nitro-glycerine** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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1. Substituted for the entry relating to “Jaggery” by Public Health Department Notification No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11<sup>th</sup> July, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, published at pages 23 to 32 the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.
  2. Substituted for the original entry by section 98 (vii) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu 56 of 1961).
  3. Substituted for the original entry by section 98 (ix) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu 56 of 1961).

**Nitro-mixture** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Offal** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Oil** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>1</sup>[**Oil cakes** – Selling wholesale or retail or storing for wholesale or retail trade.]

**Oil-cloth** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Onions** – Storing and packing.

**Paddy** – Boiling or husking by machinery.

**Paper** – packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>2</sup>[**Petroleum products** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever :

Provided that no licence under this Act shall be required for storing petroleum and its products quantities exceeding those to which the operation of this Act is limited by the provisions of the Petroleum Act, 1934, or the rules or notifications issued thereunder.]

**Pitch** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Pottery** -- packing, pressing, cleansing, preparing or manufacturing by any process whatever.

<sup>1</sup>[**Pulses and agricultural products which is likely to attract rates** – Selling wholesale or retail or storing for wholesale or retail trade.]

**Rags** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Resin** (including rosin) -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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1. Inserted the Public Health Department Notification No.295, dated the 3<sup>rd</sup> July, 1944, published at page 181 of Part I-A of the Fort St. George Gazette, dated the 11<sup>th</sup> July, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, published at pages 23 to 32 the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.

2. Substituted for the entry relating to “Petroleum product” by Public Health Department Notification No.15, dated the 9<sup>th</sup> January, 1945 Published at page 112 of Part I-A of the Fort St. George Gazette dated the 16<sup>th</sup> January, 1945 re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948, by Public Health Department Notification, dated the 28<sup>th</sup> March, 1949, published at pages 23 to 32 of the Fort St. George Gazette, dated the 5<sup>th</sup> April, 1949.

**Sago** – Manufacturing or distilling.

**Saltpetre** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Seekai** – Powdering by machinery.

**Shellac** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Silk** -- packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Skins** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Soap** -- packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Spirits** <sup>2</sup>[that is to say, any liquor containing alcohol (Whether denatured or not)] –Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Straw** – Selling or storing.

**Sugar** -- packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Sugar-candy** -- packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Sulphur** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Surki** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Sweet-meats** – Banking, preparing, keeping or storing for human consumption (for other than domestic use.

<sup>2</sup>[**Syrup** – Preparing or manufacturing by any process whatever.]

**Tallow** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or melting.

**Tar** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

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1. Inserted by Public Health Department Notification, dated the 4<sup>th</sup>, 1948, published at page 64 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 18<sup>th</sup> May, 1948.

2. Inserted by Public Health Department Notification No.151, dated the 12<sup>th</sup>April, 1944 published at page 101 of Part I-A of the Fort St. George Gazette, dated the 18<sup>th</sup> April, 1944, re-enacted permanently with retrospective effect on and from the 30<sup>th</sup> April, 1948 by Public Health Department Notification, dated the 28<sup>th</sup> March 1949, published at pages 23 to 32 of the Rules Supplement to Part I-A of the Fort St. George Gazette dated the 5<sup>th</sup> April, 1949.

**Thatching materials** – Selling or storing.

**Tiles** – Manufacturing.

**Timber** – Selling or storing.

**Tobacco** (including snuff, cigars, cigarettes and beedies) -- Storing, packing, pressing, preparing or manufacturing by any process whatever.

**Turpentine** – Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.

**Wool** -- Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying.

**Yarn** – Dyeing :

Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule of <sup>1</sup>[for boiling paddy or for keeping soiled clothes or washed clothes or for washing soiled clothes when such storage, boiling, keeping or washing] is for domestic use and limited to such quantities as may from time to time be fixed any the commissioner,

Guiliding or electro-plating.

Keeping a shaving or hair dressing saloon.

Keeping together pigs, or twenty or more sheep or goats or ten or more head of cattle.

Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise.

<sup>2</sup>[Washing soiled clothes or keeping soiled clothes for the purpose of washing them or keeping washed clothes.]

<sup>3</sup>[\* \* \* ].

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1. Substituted for the words “for boiling paddy when such storage or boiling” by Health Department Notification, date the 27<sup>th</sup> November, 1951, published at page 285 of the Rules Supplement to Part I-A of the Fort St. George Gazette, dated the 4<sup>th</sup> December, 1951.
  2. Substituted Health Department Notification, dated the 27<sup>th</sup> November, 1951, published at page 285 of the Rules Supplement to Part I-A of the Fort St, George Gazette, dated the 4<sup>th</sup> December, 1951.
  3. Omitted by section 98(x) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).

SCHEDULE VII.

**ORDINARY PENALTIES.**

[See section 357 (1)]

<b>Section of rule.</b> <b>(1)</b>	<b>Sub-section or Clause.</b> <b>(2)</b>	<b>Subject</b> <b>(3)</b>	<b>Fine which may be imposed.</b> <b>(4)</b>
<sup>1</sup> [34	(1)	Interested councillor <sup>2</sup> [* * *] voting or taking part in discussion.	Two hundred rupees.
106	(1) and (3)	Failure to give notice of transfer of title or to produce documents.	Fifty rupees.
107	<sup>3</sup> [(1)]	Failure to send notice to commissioner after completion of construction or reconstruction of building.	Fifty rupees.
109	(1)	Failure of owner or occupier or furnish return of rent, etc.	One hundred rupees.

1. Inserted by section 243 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Omitted by section 2(2) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act XXIV of 1936).
3. The figure and brackets, “(1)” were inserted by section 243 (iii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(1)	(2)	(3)	(4)
114	--	Failure of owner or occupier to <sup>1</sup> [comply with requisition to furnish list of persons carrying on profession, art, etc.]	One hundred rupees.
115	--	Failure of employer or <sup>2</sup> [head of an office, firm or company to comply with requisition to furnish list of persons in the employ].	One hundred rupees.
120	--	Failure of occupier to <sup>3</sup> [comply with] requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	Ten rupees.
<sup>4</sup> [120-A	(2)	Failure of person liable to pay tax on carriages and animals to comply with requisition to furnish statements of vehicles and animals or furnishing incorrect statement.	Ten rupees.]
122	<sup>5</sup> [(1) and (2)]	Failure to <sup>3</sup> [comply with] order to affix and register number of carriage.	Ten rupees.
124	<sup>5</sup> [(2)	Failure of owner to register cart.	Ten rupees.
124	(3)	Failure to have or keep registration number affixed to cart.	Ten rupees.
129	(2)	Importation of timber into the city without payment of the tax due thereon.	One hundred rupees.

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1. Substituted for the words “furnish list of persons liable to tax” by section 243 (iv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words “his representative to furnish list of persons laible to tax” by section 243 (v) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. Substituted for the word “obey” by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  4. Inserted by section 243 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  5. Substituted for figure and brackets “(1)” by section 243 (vii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
<sup>1</sup> [129-B	(1)	Exciting, exhibiting, fixing, retaining of displaying advertisement without the written permission of the commissioner – (i) if the advertisement relates to any trade of business.	Fifty rupees.
		(ii) if the advertisement does not related to nay trade or business.	Five rupees.]
<sup>2</sup> [166 to 181	---	* * * * *	* * * ]
182	---	Failure to <sup>3</sup> [comply with] requisition regarding culverts or to keep them free from obstruction.	Fifty rupees.
183	---	Failure to <sup>3</sup> [comply with] requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Fifty rupees.
185	(2)	Keeping of public latrine without licence	Fifty rupees.
185	(3)	Allowing of public latrine to be in unclean condition or improper order	Fifty rupees.
186	---	Failure to <sup>3</sup> [comply with] requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Fifty rupees.
187	---	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees.
188	---	Failure to <sup>3</sup> [comply with] requisition to provide latrines for market, cattle-shed, or cart-stand, or to keep them clean and in proper order.	One hundred rupees.

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1. Inserted by section 99(i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Omitted by section 85 of Tamil Nadu Act 28 of 1978.
  3. Substituted for the word “obey” by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
189	---	Failure to construct latrines so as to screen persons using them from view.	Twenty rupees.
191	---	Making connection with mains without permission	Two hundred rupees.
195	(1)	Failure of occupier to <sup>1</sup> [comply with] direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own at or near premises.	Ten rupees.
195	(2)	Failure to <sup>1</sup> [comply with] direction to collect rubbish and filth accumulating in latrine and to deposit in municipal carts.	Ten rupees.
195	(3)	Failure of <sup>1</sup> [comply with] direction to collect rubbish and filth and deposit them in public receptacle.	Ten rupees.
196	(a)	Failure to <sup>1</sup> [comply with] direction to collect and remove rubbish and filth accumulating on business premises.	Ten rupees.
202	(1)	Allowing rubbish or filth to accumulated on premises for more than twenty-four hours.	Twenty rupees.
202	(2)	Irregular deposit of rubbish or filth	Ten rupees.
202	<sup>2</sup> [(3)]	Depositing carcasses of animals, rubbish or filth in improper places.	Twenty rupees.
202	<sup>3</sup> [(4)]	Keeping rubbish or filth for more than twenty-four hours, etc.	Ten rupees.
202	<sup>3</sup> [(5)]	Allowing filth to flow in streets	Twenty rupees.
209		Building within street alignment or building line without permission.	One thousand rupees.

1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Substituted by section 243 (xiii) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Substituted for the figures and brackets "(5) and (6)" respectively by section 243 (xiii) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
<sup>1</sup> [210	(1)	Failure to comply with orders to set back buildings.	Five hundred rupees.]
214	---	Unlawful displacement, etc., of pavement of fences, posts and other materials of public street.	Fifty rupees.
<sup>2</sup> [215	---	Failure to provide streets or roads on building sites prior to disposal.	Two hundred rupees.]
216	---	Unlawful making or laying of new street.	Five hundred rupees.
218	---	Failure to <sup>3</sup> [comply with] requisition to metal, etc., private street.	One hundred rupees.
220	---	Building wall or erecting fence, etc., in a street, <sup>4</sup> [or any public place vested in the control of the corporation].	One hundred rupees.
221	---	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice.	Twenty rupees.
222	---	Failure to remove permanent encroachment.	Two hundred rupees.
223	---	Failure to remove temporary encroachments	Fifty rupees.
225	---	Unlawful removal of bar or shoring of timber, etc., or removal or extinction of light.	Fifty rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street.	Fifty rupees.
226	(3)	Failure to remove obstruction.	Fifty rupees.
227	---	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Fifty rupees.

1. Inserted by section 243 (xiv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 243 (xv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Substituted for the word “comply” by section 243 (xiii) (a) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Inserted by section 243 (xvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
227	---	Failure to fence, etc., such building while under repair.	Fifty rupees.
228	(3)	Unlawful destruction, etc., of name of street.	Twenty rupees.
229	(2)	Unlawful destruction, etc., of number of buildings.	Twenty rupees.
229	(3)	Failure to replace number when required to do so.	Twenty rupees.
<sup>1</sup> [231	(5)	Construction or reconstructing buildings contrary to declaration issued by council.	Two hundred rupees.
232	(1)	Failure to comply with requisition to round or splay off buildings at corners of streets.	One hundred rupees.
233	---	Construction, <sup>2</sup> [reconstruction or retention] of external roof, etc., with inflammable materials.	Fifty rupees.
<sup>3</sup> [236	(1)	Failure to obtain permission before beginning the construction of reconstruction of building	Fifty rupees.
246-A	(1)	Failure to obtain permission before demolishing a building.	Fifty rupees.]
254	---	Failure to keep external walls of premises in proper repair.	Twenty rupees.
<sup>4</sup> [257-B	---	Failure to owner of cheri or hutting ground to comply with requisition to open up passages, etc. to remove hut or to effect improvements.	Two hundred rupees.
257-C	(1)	Failure of owner of cheri or hutting ground to comply with requisition to prepare and submit plan.	One hundred rupees.

1. Inserted by section 243 (xvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 243 (xviii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Inserted by section 99 (ii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Inserted by section 243 (xix) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
257-E	---	Construction of new buildings or huts or additions to existing buildings or huts before the preparation and approval of plan.	Two hundred rupees.
257-F	---	Construction of new buildings or huts or additions to existing buildings or huts if situated in sites not marked in the standard plan.	Two hundred rupees.
257-G	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Two hundred rupees.
257-H	(1)	Failure of owner of cheri or hutting ground to comply with notice to effect improvements and to conserve or fill up- tank, well. etc.	Two hundred rupees.
	(2)	Erection of new building or ht or making addition to existing building or hut before compliance with notice under sub-section (1).	Two hundred rupees.
257-K	---	Failure of owners of buildings or huts or owners or cheri or hutting found to comply with notice to carry out improvements.	Two hundred rupees.
257-U	(1) and (2)	Failure of owner of land to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain convenience made by him.	Two hundred rupees
	(3)	Failure of tenants to comply with notice to repair street, etc.	One hundred rupees.
257-X	(3)	Failure to remove all buildings or huts.	Two hundred rupees.
	(5)	Failure of owner of land to comply with notice to carry out improvements.	

(1)	(2)	(3)	(4)
257-Y	(4)	Erection of hut or portion of hut within street alignment.	One hundred rupees.
257-Z	(1)	Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.	Two hundred rupees.
257-AA	---	Failure of person who erects a masonry building to comply with notice to leave space of 15 feet between the centre line of street or passage <sup>3</sup> or street alignment and the nearest part of such building.	Two hundred rupees.]
258	---	Failure to <sup>1</sup> [comply with] requisition to take down, repair or secure dangerous structure.	Five hundred rupees.
259	---	Failure to <sup>1</sup> [comply with] requisition to secure, lop, or cut down dangerous tree.	Fifty rupees.
260	---	Failure to <sup>1</sup> [comply with] requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Fifty rupees.
261	---	Failure to <sup>1</sup> [comply with] notice regarding precautions against fire.	One hundred rupees.
<sup>2</sup> [262	---	* * * * *	* * *]
263	---	Failure to <sup>1</sup> [comply with] requisition to stop dangerous quarrying	One hundred rupees.
264	<sup>3</sup> [(1)]	Failure [comply with] requisition to fill up, etc., tank or well or drain off water, etc.	Fifty rupees.
	<sup>4</sup> [(3)	Cultivating contrary to prohibitions or regulations.	Five hundred rupees.]

1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Omitted by Tamil Nadu Act 28 of 1978.
3. Inserted by section 243 (xx) (z) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Inserted by section 243 (xx) (b) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
265	---	Failure to <sup>1</sup> [comply with] requisition to cleanse or close, etc., tank, well or other source of water used for drinking, <sup>2</sup> [bathing or washing clothes.]	Fifty rupees.
267	---	Unlawful washing and fishing in river, or estuary after prohibition or contrary to regulations.	Twenty rupees.
<sup>3</sup> [268	---	* * * * *	* * * ]
269	---	Failure to <sup>1</sup> [comply with] requisition to enclose, clear or cleanse untenanted premises.	Fifty rupees.
270	---	Failure to <sup>1</sup> [comply with] requisition to clear or cleanse, etc., building or land in filthy state or overgrown with <sup>4</sup> [any thick or noxious vegetation.]	Fifty rupees.
<sup>5</sup> [270-A	---	Failure to <sup>1</sup> comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal, ashes, etc.	Fifty rupees.
271	---	Failure to <sup>1</sup> [comply with] requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall	One hundred rupees.]
272	---	Failure to <sup>1</sup> [comply with] requisition to limewash or otherwise cleanse building.	Fifty rupees.
273	---	Failure to <sup>1</sup> [comply with] requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.

1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 243 (xxi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Omitted by Tamil Nadu Act 28 of 1978.
4. Substituted for the word "pricky-pear or other noxious vegetation" by section 243 (xxii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
5. Inserted by section 243 (xxiv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).



(1)	(2)	(3)	(4)
274	(2)	Using or allowing the use of building unfit for human habitation after prohibition.	Twenty rupees for each day.
274	(4)	Failure to <sup>1</sup> [comply with] requisition to demolish the same.	Twenty rupees for each day.
275	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees for each day.
275	(4)	Failure to <sup>1</sup> [comply with] requisition to vacate overcrowded building or room.	Twenty rupees for each day.
<sup>2</sup> [279]	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees.]
280	(a)	Unlawful keeping of pigs	Twenty rupees.
	(b)	Unlawful keeping of animal so as to be a nuisance or <sup>3</sup> [danger]	Twenty rupees.
	(c)	Feeding of animals on filth	Twenty rupees.
282	---	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
284	---	Construction or maintenance of stable, cattle shed, etc., contrary to Act or subsidiary legislation.	Fifty rupees.
<sup>4</sup> [285-A]	---	Using a public place or the sides of a public street as a public landing place, etc.	<sup>5</sup> [Two hundred rupees.]
285-C	(1)	Opening or keeping open a new private cartstand without licence or contrary to licence.	Two hundred rupees.]

1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 243 (xxv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Substituted for the words "dangerous" by section 3 (1) of, and the Second Schedule to the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act X of 1951).
4. Inserted by section 243 (xxvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
5. Substituted for the words "Twenty Rupees" by section 3(1) of, and the Second Schedule to. The Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act X of 1951).

(1)	(2)	(3)	(4)
286	---	Failure to remove carcass of animal	Twenty rupees.
<sup>1</sup> [287	(1)	Using a place for any of the purposes specified in Schedule VI without licence or contrary to licence.	Two hundred rupees.
288	(1), (2) and (3)	Unlawful erection of factory, workshop, work place or machinery.	One thousand rupees.
288	(5)	Disobedience of order regarding chimneys.	Five hundred rupees.
289	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
289	(2)	Disobedience of order prohibiting the working of factory, etc., or the use of particular fuel.	Two hundred rupees.
289-A	---	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	Five hundred rupees.
289-B	---	Disobedience of order regarding abatement of nuisance or danger to life, etc.	One hundred rupees.
293	(2)	Washing of clothes by washerman at unauthorised places.	Twenty rupees.
295	---	Use of place as slaughter-house without licence or contrary to licences.	Two hundred rupees.
297	---	Slaughter of animals for sale or food or skinning or cutting up carcasses without licence or contrary to licence or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
299	---	Carrying on milk trade without licence or contrary to licence.	Fifty rupees.

1. Items relating to section 287 to 289-B were substituted for the original items relating to sections 281 to 290 by section 43 (xxvii) the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
302	---	Sale or exposure for sale in public market of animal or article <sup>1</sup> [* * *] without <sup>2</sup> [permission] or contrary to <sup>2</sup> [permission.]	Fifty rupees.
303	(2)	Opening private market without licence or contrary to licence.	Five hundred rupees.
304	---	Keeping open private market without licence or contrary to licence.	Five hundred rupees.
305	---	Sale or exposure for sale of animal or article in unlicensed private market.	Fifty rupees.
306	---	Failure to <sup>3</sup> [comply with] direction to construct approaches, drains etc., to private markets or to pave them, etc.	Fifty rupees.
307	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Fifty rupees for each day.
308	---	Breach of market regulations.	Fifty rupees.
<sup>4</sup> [308-B	---	Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease.	Fifty rupees.]
309	---	Carrying on butcher's fishmonger's or poulterer's trade without licence, etc.	One hundred rupees.
310	---	<sup>5</sup> [Sale or exposure for sale of animal or article in public streets.]	Twenty rupees.

1. The words "of food" were omitted by section 243 (xviii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Substituted for the word "licence" by the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Inserted by section 243 (xxix) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
5. Substituted for the words "Sale of article in public streets after prohibition or contrary to regulation" by section 243 (xxx) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
313	---	Preventing the commissioner or any person authorized by him from exercising his powers of entry, etc., under section 312.	Fifty rupees.
315	---	Removing or in any way interfering with an animal or article secured under section 314.	Five hundred rupees.
<sup>1</sup> [319	(1)	Opening, etc., without licence a new place for the disposal of the dead.	One hundred rupees].
321	(4)	Use or allowance or use of unlicensed burial or burning ground.	Five hundred rupees.
321	(4)	Use or allowance or use of unregistered burial or burning ground	One hundred rupees.
322	---	Failure to give information of burial or burnings in burial or burning ground.	Twenty rupees.
323	---	Construction of vault or grave or burial of corpse in place of public worship.	Five hundred rupees.
324	(3)	Burial or burning in place after prohibition.	Two hundred rupees.
325	---	Burial or burning <sup>2</sup> [etc., of corpses]	Fifty rupees.
326	---	Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Twenty rupees.
330	---	Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.

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1. Inserted by section 243 of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the words "in places contrary to Act, or by-laws, by section 243 (xxxii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
334	---	Failure to <sup>1</sup> [comply with] requisition to cleanse or disinfect building or article.	Fifty rupees.
336	(2)	Washing of infected articles at unauthorised places.	Fifty rupees.
337	---	Giving, lending, etc., of infected articles.	Fifty rupees.
<sup>2</sup> [337-A	---	Infected person carrying on occupation.	Fifty rupees.
338	(1)	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees.
339	(1)	Failure to disinfect public conveyance, etc.	Fifty rupees.
---	(2)	Using before obtaining certificate from health officer a public conveyance in which an infected person travelled.	Fifty rupees.
340	---	Letting or sub-letting of infected building without certificate from the health officer.	Two hundred rupees.
341	---	Failure to close place of public entertainment.	Two hundred rupees.
342	---	Sending infected child to school	Fifty rupees.
343	---	Use or permitting use of book from public or circulating library by infected person.	Fifty rupees.
<sup>3</sup> [343-A	---	Using water after prohibition.	Fifty rupees.]
345	---	Failure to give information of smallpox.	Fifty rupees.
346	---	Entering city within forty days of inoculation for small-pox without certificate.	One hundred rupees.

1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 243 (xxxiii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Inserted by section 243 (xxxiv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
356	(3)	Prevention of inspection of copies of rules and by-laws publicly exhibited.	Fifty rupees
---	(4)	Destruction, etc., of board exhibiting printed copies of by-laws and rules.	Fifty rupees.
365	(7)	Failure to produce licence on request	Ten rupees.
368	---	Failure to <sup>1</sup> [comply with] requisition to attend, produce documents to give evidence.	One hundred rupees.
376	(1)	Failure of occupier to [comply with] requisition to permit owner to comply with provisions of Act.	Fifty rupees each day.
<sup>2</sup> [378	---	Prevention the commissioner or any person authorized by him from exercising his powers of entry, etc.	Fifty rupees.]
406	---	Obstructing or molesting <sup>3</sup> [council, <sup>4</sup> [standing committee], Mayor], etc.	Two hundred rupees.
407	---	Removing mark setup for indicating level, etc.	Two hundred rupees.
408	---	Removal, etc., of notice exhibited by or under orders of the corporation <sup>5</sup> [or commissioner].	Fifty rupees.
409	---	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment in or in river, estuary, etc.	Fifty rupees.
Schedule V, Rule 18		Failure to <sup>1</sup> [comply with] requisition by auditors to attend, give evidence or produce document.	One hundred rupees.

1. Substituted for the word "obey" by section 243 (1) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 243 (xxxv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Substituted for the word "municipal contractors" by section 243 (xxxvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Substituted by Tamil Nadu Act 22 of 1971.
5. Added by section 243 (xxxvii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

SCHEDULE VIII.

**Penalties for Continuing Breaches.**

[See section 357 (2)]

<sup>1</sup>[129-B. Erecting, exhibiting, fixing, retaining or displaying advertisement without the written permission of the commissioner—

(i) if the advertisement relates to any trade or business – Five rupees;

(ii) if the advertisement does not relate to any trade or business -- Two rupees]

Section or rule.	Sub-section or clause.	subject	Fine which may be imposed.
(1)	(2)	(3)	(4)
<sup>2</sup> [168 to 178	---	* * *	* * *]
183	---	Failure to <sup>3</sup> [comply with] requisition to maintain troughs and pipes and catching, etc., water from roof or other part of building.	Ten rupees.
185	(2)	Keeping of public latrine without licence	Ten rupees.
185	(3)	Allowing public latrine to be in an unclean condition or improper order	Ten rupees.

1. Inserted by section 100 (i) of the Chennai City Municipal (Amendment) Act, 1961 (Tamil Nadu Act 56 of 1961).
2. Omitted by Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978).
3. Substituted for the word “obey” by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
186	---	Failure of <sup>1</sup> [comply with] requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Ten rupees.
187	---	Failure to provide latrines for premises used by large number of people or to keep them clean and in proper order.	Twenty rupees
188	---	Failure to <sup>1</sup> [comply with] requisition to provide latrines for market, cattle-stand, or cart-stand, or to keep them clean and in proper order.	Twenty rupees.
202	(1) and <sup>2</sup> [(4)]	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Ten rupees.
209		Building within street alignment or building line without permission.	One hundred rupees.
<sup>3</sup> [215]	---	Failure to provide streets or roads on building sites prior to disposal.	Ten rupees.
222	---	Failure to remove permanent encroachment.	Ten rupees.
223	---	Failure to remove temporary encroachment.	Five rupees.
226	(1)	Unlawful making of hole or placing of obstruction in street.	Ten rupees.

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1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Substituted for the figure and brackets "(5)" by section 244 (v) of the of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  3. This item was inserted by section 4 of the of the Chennai City Municipal (Amendment) Act, 1942 (Tamil Nadu Act XV of 1942), 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).



(1)	(2)	(3)	(4)
227	---	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Ten rupees.
<sup>1</sup> [232	(1)	Failure to comply with requisition to round or splay off building at corners of streets.	Fifty rupees.]
233	---	Construction, <sup>2</sup> [reconstruction or retention] of external roof, etc., with inflammable materials.	Ten rupees.
254	---	Failure to keep external walls of premises in proper repair.	Ten rupees.
<sup>3</sup> [257-B	---	Failure to owner of cheri or hutting ground to comply with requisition to open up passages, etc. to remove hut or to effect improvements.	Fifty rupees.
257-C	(1)	Failure of owner of cheri or hutting ground to comply with requisition to prepare and submit plan.	Twenty rupees.
257-G	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Twenty rupees.
257-H	(1)	Failure of owner of cheri or hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well etc.	Fifty rupees.
257-K	---	Failure of owner of buildings or huts or owners or cheri or hutting ground to comply with notice to carry out improvements.	Fifty rupees.
257-U	(1) and (2)	Failure of owner of land to maintain in proper order and repair streets, passages, etc., and failure of owner of hut to maintain convenience made by him.	Fifty rupees.
257-U	(3)	Failure of tenants to comply with notice to repair street, etc.	Twenty rupees.

1. Inserted by section 244 (vi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 244 (vii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Inserted by section 244 (viii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
257-X	(3)	Failure of remove all buildings or huts	Fifty rupees.
257-X	(5)	Failure to owner of land to comply with notice to carry out improvements	Fifty rupees.
257-Z	(1)	Failure of owner of land or owners or occupiers of buildings or huts to comply with notice to remove the whole or portion of such buildings or huts.	Fifty rupees.
257-AA	---	Failure of person who erects a masonry building to comply with notice to leave space of 15 feet between the centre line of street or passage or street alignment and the nearest part of such building.	Fifty rupees.
260	---	Failure to <sup>1</sup> [comply with] requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Ten rupees.
261	---	Failure to <sup>1</sup> [comply with] notice regarding precautions against fire.	Ten rupees.
263	---	Failure to <sup>1</sup> [comply with] requisition to stop dangerous quarrying.	Ten rupees.
264	---	Failure to <sup>1</sup> [comply with] requisition to fill up, etc., tank or well or drain off water, etc.	Ten rupees.
265	---	Failure to <sup>1</sup> [comply with] requisition to cleanse or close, etc., tank, well etc., or other source of water used for drinking, <sup>2</sup> [bathing or washing clothes.]	Ten rupees.

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1. Substituted for the word "obey" by section 243 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Added by section 244 (ix) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
269	---	Failure to <sup>1</sup> [comply with] requisition to enclose, clear or cleanse untenanted premises.	Ten rupees.
270	---	Failure to <sup>1</sup> [comply with] requisition to clear or cleanse, etc., building or land in filthy state or overgrown with <sup>2</sup> [any thick or noxious vegetation.]	Ten rupees.
<sup>3</sup> [270-A	---	Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping etc., of coal, ashes, etc.	Twenty rupees.]
271	---	Failure to <sup>1</sup> [comply with] requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Ten rupees.
272	---	Failure to <sup>1</sup> [comply with] requisition to limewash or otherwise cleanse building.	Ten rupees.
273	---	Failure to <sup>1</sup> [comply with] requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of masonry building and five rupees in the case of hut.
<sup>4</sup> [279	(1)	Keeping a lodging house, eating house, tea shop, etc., without licence or contrary to licence.	One hundred rupees.]
280	(a)	Unlawful keeping of pigs	Five rupees.
---	(b)	Unlawful keeping of animals so as to be a nuisance or danger]	Five rupees.

1. Substituted for the word "obey" by section 244 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
- i. Substituted for the word "pricky-pear or other noxious Vegetation" by section 244 (xxiii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Inserted by section 244 (xi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Inserted by section 244 (xii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
282	---	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
284	---	Construction or maintenance of stable, cattle shed, etc., contrary to Act or subsidiary legislation.	Ten rupees.
<sup>1</sup> [285-A	---	Using a public place or the sides of a public street as a public landing place, etc.	<sup>2</sup> [Twenty rupees.
285-C	(1)	Opening or keeping open a new private cartstand without licence or contrary to licence.	Twenty rupees.
286	---	Failure to remove carcass of animal	Five rupees.
<sup>3</sup> [287	(1)	Using a place for any of the purposes specified in Schedule VI without licence or contrary to licence.	Fifty rupees.
288	(1), (2) and (3)	Unlawful erection of factory, workshop, work place or machinery.	One hundred rupees.
---	(5)	Disobedience of order regarding chimneys.	Fifty rupees.
289	(1)	Disobedience of order regarding abatement of nuisance.	One hundred rupees.
---	(2)	Disobedience of order prohibiting the working of factory, etc., or the use of particular kind of fuel.	Two hundred rupees.
289-A	---	Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.,	One hundred rupees.
289-B	---	Disobedience of order regarding abatement of nuisance or danger to life etc.	One hundred rupees.]

1. Inserted by section 244 (xii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Substituted for the words "Two hundred rupees" by section 3(1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu ActXIV of 1951).
3. Substituted by section 244 (xiv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
295	---	Use of place as slaughter-house without licence or contrary to licences.	Fifty rupees.
299	---	Carrying on milk trade without licence or contrary to licence.	Five rupees.
303	(2)	Opening private market without licence or contrary to licence.	One hundred rupees.
304	---	Keeping open private market without licence or contrary to licence.	One hundred rupees.
305	---	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
<sup>1</sup> [307	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Five rupees.
308	---	Breach of market regulations	Ten rupees.
<sup>2</sup> [308-B	---	Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease.	Fifty rupees.
309	---	Carrying on butcher's fishmonger's or poulterer's trade without licence, etc.	Ten rupees.
<sup>3</sup> [...	---	Exposing carcasses of animals for sale without licence.	Twenty rupees.
[319	(1)	Opening, etc., without licence a place for the disposal of the dead.	One hundred rupees.]
334	---	Failure to <sup>4</sup> [comply with] requisition to cleanse or disinfect building or article.	Ten rupees.

1. Inserted by section 244 (xii) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
2. Inserted by section 244 (xv) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
3. Inserted by section 244 (xvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
4. Substituted for the word "obey" by section 244 (i) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).

(1)	(2)	(3)	(4)
<sup>1</sup> [337-A	---	Infected person carrying on occupation.	Fifty rupees.
341	---	Failure to close place of public entertainment.	One hundred rupees.
343-A	---	Using water after prohibition.	Fifty rupees.]
Schedule V, rule 18		Failure to <sup>1</sup> [comply with] requisition by auditors to attend, give evidence or produce document.	Seventy rupees.

<sup>2</sup>SCHEDULE IX – Omitted.

<sup>2</sup>SCHEDULE X – Omitted.

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1. Inserted by section 244 (xvi) of the Chennai City Municipal (Amendment) Act, 1936 (Tamil Nadu Act X of 1936).
  2. Schedule IX and X were added by Tamil Nadu Act 26 of 1994 and omitted by Tamil Nadu Act 22 of 1996.

<sup>1</sup>SCHEDULE XI

**POWERS, AUTHORITY AND RESPONSIBILITIES OF THE  
MUNICIPAL CORPORATION, STANDING COMMITTEES ETC.**

(See section 415)

- (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 section of society, including the handicapped and mentally retarded.
- (7) Slum improvement and upgradation.
- (8) Urban poverty alleviation.
- (9) Provision of urban amenities and facilities such as parks, gardens, playgrounds.
- (10) Promotion of cultural, educational and aesthetic aspects.

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1. Schedule XI was added by Tamil Nadu Act 26 of 1994.

(11) Burials and burial grounds; cremations, cremation grounds and electric crematoriums.

(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) Regulation of slaughter houses and tanneries.

<sup>1</sup>[(16) Urban Planning including Town planning.

(17) Regulation of land use and construction of buildings.

(18) Fire Services”].

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1. Added by Tamil Nadu Act 22 of 1996.

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**EXTRACT OF AMENDMENTS TO THE CHENNAI CITY  
MUNICIPAL CORPORATION ACT, 1919. TAKEN FROM THE TAMIL.  
NADU MUNICIPAL LAWS (SECOND AMENDMENT (ACT, 1997  
(TAMIL NADU ACT 65 OF 1997).\***

PART – II.

2. In the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) (hereafter in this Part referred to as the 1919 Act), for section 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 108-A and 109, the following sections shall be substituted, namely:--

**“99. Levy of property tax.—**(1) The property tax shall be levied on all buildings and lands within the city.

(2) (a) In relation to any building newly constructed or where any addition or alteration has been made to any existing building, the owner or occupier of such building ;

(b) where the title of any building or land is transferred, such transferee;

(c) in relation to any building or land, in the event of death of the person primarily liable to the payment of property tax, the person on whom the property is transferred,

Shall furnish to the Commissioner within such date as may be prescribed, a return for such building or land containing such details as may be prescribed for the assessment or reassessment of the property tax to the said building or land.

(3) In the case of reassessment or general revision of any property tax leviable under this Act, the owner or occupier of any building or land shall furnish

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\* The date of coming into force of the above amendments have not been notified by the State Government. As such, these amendments are not in force. Hence, these amendments have not been incorporated in the principal Act and separately given for the reference.

to the Commissioner within such time as may be prescribed, a return in such form containing such details as may be prescribed for the assessment of property to such building or land.

(4) If any owner or occupier of any building or land fails to furnish a return as required under sub-section (2) or sub-section (3) or furnishes an incomplete or incorrect return, the Commissioner or any person authorised by him in this behalf, shall cause an inspection to be made and also to make such local enquiries as may be considered necessary, and based on such inspection and information collected, Shall prepare a return and a copy of the return shall be furnished to the owner or occupier of the building or land ;

(5) On receipt of a return under sub-section (2) or sub-section (3) or on the basis of the return prepared by the Commissioner under sub-section (4) and after considering the objections, if any, received, the Commissioner shall determine the tax payable in accordance with the provisions of this Act and shall send an intimation to that effect to the person concerned ;

<sup>1</sup>[(5-A) In the case of failure to furnish a return under sub-section (2) or sub-section (3), the Commissioner shall, in addition to the tax determined under sub-section (5), direct the owner or occupier of any building or land to pay by way of penalty, a sum of rupees two hundred and fifty, or five percent of the tax determined under sub-section (5), whichever is higher ;]

(6) For the purpose of assessment of property tax for any building or land in the city, the Commissioner or any officer authorized by him in this behalf may enter, inspect, survey and measure any building or land, after giving due notice to the owner or occupier before such inspection and the owner or occupier shall be bound to furnish necessary information required for this purpose ;

(7) The property tax on building and land shall, subject to the prior payment of the land revenue, if any, due to the State Government thereon, be a first charge upon the said building or land and upon the movable property, if any, found within or upon such building or land and belonging to the person liable to pay tax.

**100. Minimum and maximum basic property tax, additional basic property tax, etc.**—The State Government shall prescribe the minimum and the maximum rates of --

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1. Sub-section (5-A) was inserted by Tamil Nadu Act 34 of 1998.

(a) basic property tax for the building or land having regard to –

(i) the existing property tax ;

(ii) the value of the building and land ; and

(iii) the use of the building ;

<sup>1</sup>[(b) additional basic property tax for every building with reference to its location ;

(bb) addition basic property tax for every building with reference to its type of construction ;]

(c) the concession with regard to age of the building.

**101. Determination of basic property tax, additional basic property tax, etc., by Council.—**(1) The basic property tax, the additional basic property tax and the concession, if any, with regard to the age, for every building or land shall be determined by the Council subject to the minimum and maximum rates prescribed by the State Government under section 100.

(2) The Council shall notify the rates determined under sub-section (1) and such other particulars and in such manner as may be prescribed ;

(3) (i)(a) The basic property tax for every building shall related to the carpet area of the building and its usage :

Provided that the carpet area of any building shall not include the open verandah, a open court-yard or any other open space which is not enclosed.

(b) The classification of the building for the purpose of deciding the usage of any building shall be residential, commercial, industrial or any other classification as may be prescribed.

(ii)(a) The additional basic property tax for every building shall relate to location and type of construction of the building.

(b) For the purpose of this clause, the location of the building shall be classified as follows :--

(A) arterial roads, bus-route roads leading to arterial roads and main roads ;

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1. Substituted for clause (b) by Tamil Nadu Act 34 of 1998.

(B) bus-route roads other than those specified in item (A) ;

(C) roads and streets in primarily residential colonies.

(c) The types of construction of the building shall be classified into different groups as follows, namely :--

(A) thatched and tiled roof ;

(B) reinforced concrete, cement roof ;

(C) reinforced concrete cement roof with mosaic flooring partly of fully;

(D) granite, ceramic tiles and marble flooring and walls partly or fully.

(iii) A concession on the basic property tax shall be allowed in calculating the property tax having regard to the age of the building, in such manner as may be prescribed.

**102. Assessment and calculation of property tax.--**(1) For the purpose levy of property tax, every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto.

<sup>1</sup>[xxx xxx xxx]

(2) The property tax shall be calculated as follows :--

(a) Firstly, the basic property tax for a building shall be calculated at the rate fixed by the Council ;

(b) Secondly, the additional basic property tax for such building shall be calculated at the rate fixed by the Council and added to the basic property tax so arrived at under clause (a) ;

(c) Thirdly, on the quantum of amount arrived at under clauses (a) and (b), the concession having regard to the age of the building at the rate fixed by the council shall be deducted and the amount so arrived at shall be the property tax payable in respect of any building for every half-year and shall be paid by the owner or occupier of such building within the half-year period.

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1. Proviso was omitted by Tamil Nadu Act 34 of 1998.

**Explanation.**--For the purpose of this sub-section, the expression "half-year" shall be from the 1<sup>st</sup> day of April to the 30<sup>th</sup> day of September and from the 1<sup>st</sup> day of October to the 31<sup>st</sup> day of March of a year :

Provided that in the case of any Government or railway building, a concession shall be allowed in calculating the property tax in such manner as may be prescribed.

(3) The Commissioner shall issue a property tax book containing all the details of the building or land and the property tax payable in relation to such building or land in such form as may be prescribed.

<sup>1</sup>[(4) (a) Where there is any land without any building situated within the city limit, the Commissioner shall determine the property tax payable for such land at the rate fixed by the Council.

(b) Where there is any land with building situated within the city limit, and if the extent of the land left vacant twice the plinth area of the building, the Commissioner shall determine the property tax on the vacant land which exceeds twice the plinth area of the building at the rate fixed by the Council :

Provided that no property tax on any land shall be levied under this sub-section if the extent of such land with or without any building thereon. Does not exceed two thousand and four hundred square feet.

(5) The Council may, subject to such rules as may be made by the Government by notification, in this behalf, exempt any building having a carpet area not exceeding one hundred square feet, constructed with mud walls and thatched roof, from the levy of property tax.]

**103. General revision of property tax.**--The general revision of the assessment of property tax in relation to the building and land situated within the city limit shall be made from such date as the State Government may, by notification, the Commissioner may revise the property tax in accordance with the provisions of this Act and the rules made thereunder :

Provided that there shall be interval of five years between one general revision and another general revision.

**104. General exemptions.**--The following buildings and lands shall be exempt from the property tax :--

(a) places set apart for public worship and either actually so used or used for no other purpose ;

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1. Substituted for Sub-section (4) by Tamil Nadu Act 34 of 1998.

(b) Choultries for the occupation of which no rent is charges and choultries the rent charged for the occupation of which is used exclusively for charitable purpose ;

(c) buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose of sheltering the destitute or animals and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines as are approved by the council ;

(d) such ancient monuments protected under the Ancient Monuments Preservation Act, 1904 (Central Act VII of 1904) and such ancient and historical monuments declared by or under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) to be of national importance and also such ancient monuments and archaeological sites and remains protected under the Tamil Nadu Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1966, (Tamil Nadu Act 25 of 1966) or parts thereof as are not used as residential quarters or public office ;

(e) charitable hospital and dispensaries but not including residential quarters attached thereto ;

(f) such hospitals and dispensaries maintained by railway administration as may, from time to time, be notified by the State Government, but not including residential quarters attached thereto ;

(g) burial and burning grounds include in the list published by the Commissioner under sub-section (3) of section 321 ;

(h) the bed of the Cooum, the bed of the Adyar, the Buckingham canal, Government lands set apart free for recreation purposes and all such other Government property being neither buildings nor land from which in the opinion of the State Government any income could be derived as may, from time to time, be notified by the State Government :

Provided that the Government does not derive any income from such beds :

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

**105. Power to rectify error apparent on the face of the record.--** (1) The Commissioner may. On his own motion or on an application made at any time within six months from the date of any order passed by him rectify any error apparent on the face of the record :

Provided that no such rectification which has the effect of enhancing an assessment, shall be made unless such authority has given notice to the assessee and has allowed him a reasonable opportunity of being heard.

(2) Where such rectification has the effect of reducing an assessment, the excess amount, if any, paid by the assessee shall be adjusted towards any tax that may accrue in future.

**106. Levy of fine.--**(1) Where a person fails to pay the property tax within the time specified, the Commissioner shall impose upon him. By way of fine, a sum as fixed by the Council in this behalf in accordance with such rules as may be prescribed.

(2) On verification of the return filed by the owner or occupier of the building or land for the issue of the property tax book, the Commissioner, may, if he is satisfied that the owner or occupier willfully filed false return, the Commissioner may cause reassessment of such property and direct the owner or occupier to pay, in addition to the tax assessed, by the way of fine, sum which shall be one hundred percent of the difference in the tax due :

Provided that no fine under this sub-section shall be imposed unless the owner or occupier affected has had a reasonable opportunity of showing cause against such imposition.

<sup>1</sup>[**106-A. Education tax.**--The Council may levy education tax within its area, at such rate not exceeding five per cent of the property tax and in such manner as the Council may determine.]

**107. Taxation Appeals Tribunal.**--(1) There shall be one or more Taxation Appeals Tribunals (hereafter in this section referred to as "the Tribunal") for the corporation for hearing and disposing of an appeal preferred by any person who is not satisfied with the assessment order made by the Commissioner under this Act other than the orders relating to the transfer duty.

(2) The Tribunal shall consist of a Judicial Officer who is or has been a Civil Judge (Senior Division/Chief Judicial Magistrate).

(3) The terms and conditions of the Tribunal shall be such as may be determined by the Government.

(4) The salary and other allowances payable to the Tribunal shall be borne from the funds of the corporation.

(5) No appeal shall be entertained by the Tribunal unless the appellant deposits with the corporation the entire amount as assessed by the Commissioner in the revision.

(6) (i) Every appeal filed under this section shall be entered in a register maintained for the this purpose by the Tribunal.

(ii) The Tribunal shall give to person filling an appeal a written notice specifying the place, date and time of hearing the appeal.

(iii) The Tribunal shall dispose of the appeal within five months from the date of filing of the appeal.

(iv) Any person preferring an appeal may either appear in person or through an authorized agent before the Tribunal.

(v) The gist of the order passed in an appeal shall be recorded in the register which shall be duly attested by the Tribunal and a copy of the order shall be supplied within ten days from the date of passing of the order to the appellant.

(vi) The excess amount of tax is available in view of the orders of the Tribunal will be adjusted by the Commissioner for the property tax to be collected in future.

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1. Inserted by Tamil Nadu Act 34 of 1998.

(7) An appeal against the decision of the Taxation Appeals Tribunal may be filed within thirty days from the date of the order to the District Judge<sup>1</sup>[and the appellant shall continue to deposit the property tax with the corporation as decided by the Tribunal till the disposal of the appeal by the District Judge.]

(8) No appeal shall be entertained by the District Judge unless the appellant deposits with the corporation the entire amount of tax as decided by the Tribunal.

(9) Where as a result of any order passed in appeal, any amount already deposited is in excess of the tax due, the difference after deducting the tax due shall be adjusted towards the tax and fine due, in respect of any other period, to the corporation.

**3. Amendment of section 348.**—In section 348 of the 1919 Act, clauses (a) and (b) shall be omitted.

**4. Amendment of Schedule IV.**—In Schedule IV of the 1919 Act, Parts I-A and V shall be omitted.

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1. Added by Tamil Nadu Act 34 of 1998.



**THE CITY OF MADRAS (ALTERATION  
OF NAME) ACT, 1996.\***

(TAMIL NADU ACT 28 OF 1996).

An Act to alter the name of City of Madras.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty Seventh Year of the Republic of India as follows :--

**1. Short title and commencement.--**(1) This Act may be called the City of Madras (Alteration of Name) Act, 1996.

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

**2. Definitions.--**In this Act, unless the context otherwise requires, law includes any enactment, ordinance, regulation, order, by-law, scheme, notification or other instrument having the force of law in the whole or any part of the State of Tamil Nadu with respect to which the State Legislature has competence to make law.

**3. Alteration of name of City of Madras.--**On and from the date appointed under sub-section (2) of section 1, for the word "Madras" occurring in any law in force in this State, the word "Chennai" shall be substituted.

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\* Published in the Tamil Nadu Government Gazette Extraordinary, dated the 6<sup>th</sup> September 1996. (Issue No.452).

## THE CONSTITUTION (SEVENTY-FOURTH AMENDMENT) ACT, 1992<sup>1</sup>.

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows :--

**1. Short title and commencement.**--(1) This Act may be called the Constitution (Seventy-fourth Amendment) Act, 1992.

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

**2. Insertion of new Part IX-A.**--After Part IX of the Constitution, the following Part shall be inserted, namely :--

“PART – IX-A

THE MUNICIPALITIES

**243-P. Definitions.**--In this Part, unless the context otherwise requires,---

(a) “Committee” means a Committee constituted under Article 243-S;

(b) “District” means a district in a State ;

(c) “Metropolitan area” means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or

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1. Received the assent of the President and published in the Gazette of India, Extraordinary, Issue No.70. Part II, Section 1, dated 20<sup>th</sup> April, 1993, pp. !-10.

more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be a Metropolitan area for the purposes of this Part ;

(d) "Municipal area" means the territorial area of a Municipality as is notified by the Governor ;

(e) "Municipality" means an institution of self-government constituted under Article 243-Q ;

(f) "Panchayat" means a Panchayat constituted under Article 243-B ;

(g) "population" means the population as ascertained at the last preceding census of which the relevant figure have been published.

**243-Q. Constitution of Municipalities.--**(1) There shall be constituted in every State.—

(a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area ;

(b) a Municipal Council for a smaller urban area ; and

(c) a Municipal corporation for a larger urban area,

in accordance with the provisions of this Part :

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, "a transitional area" "a smaller urban area" or "a larger urban area" means such area as the Governor may, having regard to the population of the area, the density of the 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, specify, by public notification, for the purposes of this Part.

**243.R. Composition of Municipalities.--**(1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of a State may, by law, provide--

(a) for the representation in a Municipality of—

(i) persons having special knowledge or experience in Municipal administration ;

(ii) the members of the House of the People and members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly the Municipal area ;

(iii) the members of the Council of States and members of the Legislative Council of the State registered as electors within the municipal area ;

(iv) the Chairpersons of the Committees constituted under clause (5) of Article 243-S :

Provided that the persons referred to in paragraph (i) shall not have the right to vote in the meetings of the Municipality ;

(b) the manner of election of the Chairperson of a Municipality.

**243-S. Constitution and composition of Wards Committees, etc.--(1)**

There shall be constituted Wards Committees, consisting of one or more wards, within the territorial area of a Municipality having a population of three lakhs or more.

(2) The Legislature of a State may, by law, make provision with respect to--

(a) the composition and the territorial area of a Wards Committee ;

(b) the manner in which the seats in a Wards Committee shall be filled.

(3) A member of a Municipality representing a ward within the territorial area of the Wards Committee shall be member of that Committee.

(4) Where a Wards Committee consists of—

(a) one ward, the member representing that ward in the Municipality ; or

(b) two or more wards, one of the members representing such wards in the Municipality elected by the members of the Wards Committee, shall be the Chairperson of that Committee.

(5) Nothing in this Article shall be deemed to prevent the Legislature of a State from making any provision for the constitution of Committees in addition to the Wards Committees.

**243-T. Reservation of seats.--(1)** Seats shall be reserved for 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 election in that Municipality as the population of the Scheduled Castes in the municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Schedule Castes or as the case may be, the Scheduled Tribes.

(3) Not 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 to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in Article 334.

(6) Nothing in this Part shall prevent the Legislature of a state from making any provision for reservation of seats in any Municipality or officers of Chairpersons in the Municipalities in favour of backward class of citizens.

**243-U. Duration of Municipalities, etc.--**(1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer :

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) No amendment of any law for the time being in force shall have the effect of causing dissolution of a Municipality at any level, which is functioning immediately before such amendment, till expiration of its duration specified in clause (1).

(3) An election to constitute a Municipality shall be completed—

(a) before the expiry of its duration specified in clause (1);

(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 clause for constituting the Municipality for such period.

(4) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under clause (1) had it not been so dissolved.

**243-V. Disqualifications for membership.**--(1) A person shall be disqualified for being chosen as, and for being, a member of a Municipality—

(a) if he is so disqualified by or under any law for the time being in force for the purpose of elections to the Legislature of the State concerned :

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of years of age, if he has attained the age of twenty-one years ;

(b) if he is so disqualified by or under any law made by the Legislature of the State.

(2) If any question arises as to whether a member of a Municipality has become subject to any of the disqualifications mentioned in clause (1), the question shall be referred for the decision of such authority and in such manner as the Legislature of a State may, by law, provide.

**243-W. Powers, authority and responsibility of Municipalities, etc.**—Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow—

(a) the Municipalities with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for the devolution of powers and responsibilities upon Municipalities, subject to such conditions as may be specified therein, with respect to--

(i) the preparation of plans for economic development and social justice ;

(ii) the performance of functions and the implementation of schemes as may be entrusted to them including those in relation to the matters listed in the Twelfth Schedule.

(b) the Committees 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 matters listed in the Twelfth Schedule.

**243-X. Power to impose taxes by, and Funds of, the Municipalities.**—  
The Legislature of a State may, by law,--

(a) authorize a Municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits ;

(b) assign to a Municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits ;

(c) provide for making such grants-in-aid to the Municipalities from the Consolidated Fund of the State ; and

(d) provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Municipalities and also for the withdrawal of such moneys therefrom,

as may be specified in the law.

**243-Y. Finance Commission.**--(1) The Finance Commission Constituted under Article 243-I shall also review the financial position of the Municipalities and make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Part and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the Municipalities ;

(b) the measures needed to improve the financial position of the Municipalities ;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the municipalities.

(2) The Governor shall cause every recommendation made by the Commission under this article together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

**243-Z. Audit of accounts of Municipalities.**--The Legislature of a State may, by law, make provisions with respect to the maintenance of account by the Municipalities and the auditing of such accounts.

**243-ZA. Elections to the municipalities.**--(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the municipalities shall be vested in the State Election Commission referred to in Article 243-K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Municipalities.

**243-ZB. Application to Union territories.**--The provisions of this part shall apply to the Union territories and shall, in their application to a Union territory, have effect as if the references to the Governor of a State were references to the Administrator of the Union territory appointed under Article 239 and references to the Legislature or the Legislative Assembly of a State were references in relation to a Union territory having a Legislative Assembly, to that Legislative Assembly :

Provided that the President may, by public notification, direct that the provisions of this Part shall apply to any Union territory or part thereof subject to such exceptions and modifications as he may specify in the notification.

**243-ZC. Part not to apply to certain areas.--**(1) Nothing in this Part shall apply to the Scheduled Areas referred to in clause (1), and the tribal areas referred to in clause (2), of Article 244.

(2) Nothing in this Part shall be construed to affect the functions and powers of the Darjeeling Gorkha Hill Council constituted under any law for the time being in force for the hill areas of the district of Darjeeling in the State of West Bengal.

(3) Notwithstanding anything in this Constitution, Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications, as may be specified in such law, and no such law shall be deemed to be an amendment of this constitution for the purposes of Article 368.

**243-ZD. Committee for district planning.--**(1) There shall be constituted in every State at the district level a District Planning Committee to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole.

(2) The Legislature of a State may, by law, make provision with respect to—

(a) the composition of the District Planning Committee ;

(b) the manner in which the seats in such committees shall be filled

:

Provided that not less than four-fifths of the total number of members of such Committee shall be elected by, and from amongst, the elected members of the Panchayat at the district level and of the Municipalities in the district in proportion to the ratio between the population of the rural areas and of the urban areas in the district ;

(c) the functions relating to district planning which may be assigned to such Committees ;

(d) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every District Planning Committee shall, in preparing the draft development plan.--



(a) have regard to—

(i) matters of common interest between the Panchayats and the Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation ;

(ii) the extent and type of available resources whether financial or otherwise ;

(b) consult such institutions and organizations as the Governor may, by order, specify.

(4) The Chairperson of every District Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the state.

**243-ZE. Committee for Metropolitan planning.**--(1) There shall be constituted in every metropolitan area, a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(2) The Legislature of a State may, by law, make provision with respect to--

(a) the composition of the Metropolitan Planning Committees ;

(b) the manner in which the seats in such Committees shall be filled

:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the Municipalities and of the Panchayats in that area ;

(c) the representation in such Committees of the Government of India and the Government of the State and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committees ;

(d) the function relating to planning and coordination for the Metropolitan area which may be assigned to such Committees ;

(e) the manner in which the Chairpersons of such Committees shall be chosen.

(3) Every Metropolitan Planning Committee shall, in preparing the draft development plan,--

(a) have regard to—

(i) the plans prepared by the Municipalities and the Panchayats in the Metropolitan area ;

(ii) matters of common interest between the Municipalities and the Panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation ;

(iii) the overall objective and priorities set by the Government of India and the Government of the State ;

(iv) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and of the Government of the State and other available resources whether financial or otherwise ;

(b) consult such institutions and organizations as the Governor may, by order, specify.

(4) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government of the State.

**243-ZF. Continuance of existing laws and Municipalities.—** Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy-fourth Amendment) Act, 1992, which is inconsistent with the provisions of this Part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier :

Provided that all the Municipalities existing immediately before such commencement shall continue till the expiration of their duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of that State or, in the case of a State having a Legislative Council, by each House of the Legislature of that State.

**243-ZG. Bar to interference by courts in electoral matters.—** Notwithstanding anything in this constitution,--

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under Article 243-ZA shall not be called in question in any court ;

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

**3. Amendment of Article 280.--** In clause (3) of Article 280 of the Constitution, sub-clause (c) shall be relettered as sub-clause (d) and before sub-clause (d) as so relettered, the following sub-clause shall be inserted, namely :--

“(c) the measures needed to augment the Consolidated Fund of a State to supplement the resources of the Municipalities in the State on the basis of the recommendations made by the Finance Commission of the State;”.

**4. Addition of Twelfth Schedule.--** After the Eleventh Schedule to the Constitution, the following Schedule shall be added, namely :--

## “TWELFTH SCHEDULE

(Article 243-W)

1. Urban planning including town planning.
2. Regulation of land-use and construction of buildings.
3. Planning for economic and social development.
4. Roads and bridges.
5. Water supply for domestic, industrial and commercial purposes.
6. Public health, sanitation conservancy and solid waste management.
7. Fire services.
8. Urban forestry, protection of the environment and promotion of ecological aspects.
9. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.
10. Slum improvement and upgradation.
11. Urban poverty alleviation.
12. Provision of urban amenities and facilities such as parks, garden, playgrounds.
13. Promotion of cultural, educational and aesthetic aspects.
14. Burials and burial grounds ; cremations, cremation grounds and electric crematoriums.
15. Cattle ponds; prevention of cruelty to animals.
16. Vital statistics including registration of births and deaths.
17. Public amenities including street lighting, parking lots, Bus stops and public conveniences.
18. Regulation of slaughter houses and tanneries.”

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