

The Madurai City Municipal Corporation Act, 1971

TAMILNADU

India

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Act 15 of 1971

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The Madurai City Municipal Corporation Act, 1971 Tamil Nadu Act 15 of 1971 Statement of Objects and Reasons - Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971). - The question of constituting a municipal corporation for Madurai City has been under consideration of the Government for the last two decades. Apart from the historical, pilgrim, and tourist point of view, where the city has to manage a mammoth floating population of over 4 lakhs of people during certain periods of the year, it has significantly developed industrially and therefore civic amenities of a high order are the legitimate expectation of the people of this City. This City on all counts has reached the statute of a corporation and is ripe to be upgraded as such. The constitution of a corporation for the City of Madurai is felt to be an utmost necessity for the City of Madurai. Moreover, the Government strongly feel that they should add luster to the great city of Madurai with its hoary past, where the Tamil Sangam flourished and whose glory has been sung by the Tamil poets and Western historians, by constituting a municipal corporation for Madurai with effect from the 1st May 1971, and by undertaking suitable legislation for the purpose. 2. The Madurai Municipality was being governed by the provisions of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920). For the administration of the municipal corporation of Madurai, a new and separate enactment in lieu of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) was felt necessary. Hence it was proposed to undertake legislation on the lines of the Madras City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), with such modification as are necessary to suit the local conditions. In view of the announcement made by the Chief Minister on the floor of the House that the Madurai municipal corporation would come into being with effect on and from the 1st May 1971 and in view of the urgent necessity for the constitution of such corporation as the Madurai City has almost in all respects reached the stature of a corporation, the Madurai City Municipal Corporation Ordinance, 1971 (Tamil Nadu Ordinance 5 of 1971) was promulgated by the Governor, on the 27th April 1971. 3. The Bill seeks to replace the above Ordinance. 4. The provisions of the Bill are explained in the Notes on Clauses. Published in Part IV-Section 3 of the Tamil Nadu Government Gazette Extraordinary, No. 274, dated the 24th June, 1971 at page 451. Statement of Objects and Reasons - Madurai City Municipal Corporation (Amendment) Act, 1972 (Tamil Nadu Act 22 of 1972). - Under the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Madurai Municipality was constituted as a

Municipal Corporation with effect from the 1st May 1971. By virtue of the provisions contained in rule 4 of Schedule VII to the said Act, the then members of the Municipal Council of Madurai who were holding office as such on the said date were deemed to be members of the Municipal Corporation for the remainder of the term, i.e., up to the noon of the 28th April 1972. As per the provisions of rule 7 read with rule 4 of Schedule VII to the said Act, the chairman and the vice-chairman of the then Madurai Municipal Council holding office as such on the 1st May 1971 were also allowed to continue as Mayor and Deputy Mayor respectively of the Corporation of Madurai up to the noon of 28th April 1972. The term of office of the councillors of the Municipal Corporation of Madurai was extended up to the 1st May 1974 by the Madurai City Municipal Corporation (Amendment and Extension of Term of Office) Act, 1971 (Tamil Nadu Act 1 of 1972). It had been decided by the Government that during the period of statutory extension of the term of the councillors of the Municipal Corporation of Madurai, there must be yearly election of the Mayor and the Deputy Mayor and that such election should take place on a date notified by the Government. A doubt had arisen as to whether the term of the existing Mayor and the Deputy Mayor had come to an end on the 28th April 1972 though the term, of the councillors of the Municipal Corporation of Madurai has been extended up to 1st May 1974 by section 5 of Tamil Nadu Act 1 of 1972, Therefore, it was also decided to amend rule 7 of Schedule VII of the Tamil Nadu Act 15 of 1971 so that, the Mayor and the Deputy Mayor referred to in rule 7 would continue to hold office up to the date of the yearly election in 1972 under section 29-A of the said Act. To give effect to the above decisions, the Madurai City Municipal Corporation (Amendment) Ordinance, 1972 (Tamil Nadu Ordinance 1 of 1972), was promulgated by the Governor.² The Bill seeks to replace the above Ordinance. Published in Part IV-Section 4 of the Tamil Nadu Government Gazette Extraordinary, dated the 13th September 1972. Statement of Objects and Reasons - Madurai City Municipal Corporation (Amendment) Act, 1972. - The Tamil Nadu Additional Assessment and Additional Water-Cess Act, 1963 (Tamil Nadu Act 8 of 1963), provides for the levy of additional assessment and additional water-cess on certain lands. The Act does not, however, provide for the levy of additional, assessment for the assessed waste wet lands and additional water-cess for the poramboke lands, assessed waste land (dry or manavari) and unassessed waste lands. It has been considered that it will be, anomalous to leave off the lands referred to above from the scope of the Act while the owners of the wet lands and irrigated dry lands pay additional assessment and additional water-cess respectively under the provisions of the Act. It has been decided to amend the Act so as to bring the above clauses of lands within the scope of the Act.² In section 2(11) of the Act the terms "wet land", "single crop wet land", "compounded double-crop wet land", or "double-crop-wet land" have been defined as the lands registered in the revenue accounts of the Government as wet, single-crop wet, compounded-crop wet, or double-crop wet as the case may be. Assessed waste wet lands do not fall within the scope of the section. It is, therefore, proposed to amend this section so as to treat the assessed waste wet lands as single-crop wet lands or double-crop wet lands for the purpose of levy of additional assessment under sections 3 and 4 of the Act.³ Section 5 of the Act provides for the levy of additional water-cess on the lands registered as dry or manavari in the Revenue accounts of the Government that is, the water-cess will be increased by 75 per cent in the case of lands under first or second class source of irrigation and 37½ per cent, under third, fourth or fifth class source of irrigation. It has been decided to treat all poramboke lands, assessed waste lands (dry or manavari) or unassessed waste lands as one class of lands and bring them within the scope of this section for purpose of levy of additional water-cess on these lands. Section 5(1) of the Act, also provides that the

aggregate of land revenue, water-cess and additional water-cess should not exceed Rs. 15 per acre per ; fasli year for the lands raised with only one crop and for the first crop if more than one crop) is raised. It has been considered that no maximum limit need be fixed for the poramboke lands, assessed waste lands (dry or manavari) and unassessed waste lands, in view of the fact that these lands are under encroachment and for this purpose it has been decided to exclude these lands from the provisions under sub-section (1) of section 5 of the Act so that the main provision in this sub-section will ipso-facto operate in these cases.4. The Bill seeks to give effect to the above objects.Statement of Objects and Reasons - Tamil Nadu Municipal Laws (Amendment) Act, 2000. - In the year 1998, the Government repealed the Tamil Nadu Acquisition of Hoardings Act, 1985 which provided for acquisition of hoardings by the Government in the urban local bodies, and made provisions in the existing Municipal and Corporation Acts to regulate the erection of such hoardings by issue of licence in accordance with the rules issued by the Governments This Act incidentally also became a compliance to High Court direction while disposing of a batch of writ petitions directing the Government to come out with a scheme to regulate such hoardings. However, against this new legislation, certain persons filed writ petitions in the High Court of Chennai and obtained stay for the provision relating to issue of licence by urban local bodies. This case is still pending disposal by the High Court.2. While the State has thus not been able to successfully implement any scheme for regulating the hoardings, the Supreme Court, New Delhi has delivered a judgement in the year 1998 directing the authorities to remove all hoardings in Delhi which are on road sides and therefore are hazardous and disturbance to safe traffic movement. The Government examined the whole case of regulating hoardings in the light of this judgement of the Supreme Court and have now decided to amend the Urban Local Bodies Acts in conformity with the judgement of the Supreme Court.3. Accordingly, the Government have decided to amend the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 19,81) and the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999) for the purpose to make a provision for removal of the hoardings erected within municipal limits on public or private or municipal or Government lands which are visible to the traffic on the road irrespective of whether they are on the road side or not.4. The Bill seeks to give effect to the above decision.Published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary. No. 322, dated the 17th May 2000.Statement of Objects and Reasons - Tamil Nadu Municipal Corporation Laws (Amendment) Act, 2002. - In 1997, the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) were amended by the Tamil Nadu Municipal Laws (Amendment) Act, 1997 (Tamil Nadu Act 3 of 1997), among other things, empowering the Government to entrust additional functions under the Corporations Acts to the Mayors and to fix monetary limits for authorities of the Corporations for execution of works. The Government have now reviewed the said amendments and have decided to restore certain provisions, as it stood prior to the amendments made by the said Tamil Nadu Act 3 of 1997, with enhanced financial powers to such authorities. Further, as the Mayor is not a Municipal authority, the Government have decided to substitute sections 37 and 37-A of the Chennai City Municipal Corporation Act, 1919, sections 38 and 38-A of the Madurai City Municipal Corporation Act, 1971 and sections 39 and 39-A of the Coimbatore City Municipal Corporation Act, 1981, so as to provide

that the Mayor may obtain report from the Commissioner in any matter connected with the administration of the Corporation.² The Bill seeks to give effect to the above decisions. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, No. 225 dated the 4th April 2002. Statement of Objects and Reasons - Tamil Nadu Municipal Corporations and Town and Country Planning Laws (Amendment) Act, 2002. - The Government have taken a policy decision to exempt the lands and buildings in the Chennai Metropolitan Planning Area which are violative of Development Control Rules or unauthorised structures, from the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) and the Rules and Regulations made thereunder. Provisions have accordingly been made under section 113-A of the said Act for granting such exemptions by collecting regularisation fee at such rate not exceeding the amount specified therein.² It has been brought to the notice of the Government that there are a large number of unauthorised constructions and alterations of buildings and unauthorised development in land or class of lands in the municipal areas of Madurai, Coimbatore, Tiruchirappalli, Tirunelveli and Salem City Municipal Corporations. The Government have decided to introduce one time scheme for regularisation of such unauthorised constructions or alterations of buildings and unauthorised development of lands made by a person who has right over such land or buildings by collecting a regularisation fee and to remit the fee collected under the scheme to the Government account.³ It has been decided to amend the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for the purpose. As the provisions of the Coimbatore City Municipal Corporation Act, 1981 are applicable to the Tiruchirappalli, Tirunelveli and Salem Municipal Corporations also by virtue of section, 8 of the respective Acts governing those Municipal Corporations, the aforesaid scheme will stand extended to the said City Municipal Corporations.⁴ The Bill seeks to give effect to the above decision. Published in Part IV-Section 2 of the Tamil Nadu Government Gazette Extraordinary, No. 289, dated the 2nd May, 2002. Statement of Objects and Reasons - Tamil Nadu Municipal Corporations and Town and Country Planning Laws (Amendment) Act, 2003 (Tamil Nadu Act 8 of 2003). - The Government have introduced a one time scheme in the Municipal Areas of Madurai, Coimbatore, Tiruchirappalli, Tirunelveli and Salem City Municipal Corporations for regularisation of unauthorised constructions or alteration of buildings and unauthorised development of lands made on or before the 31st March 2002, by a person who has right over such land or building, by receiving applications up to the 31st December 2002 and collecting a regularisation fee, by amending the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) and the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).² It is felt that the time allowed for submission of application for regularisation of such unauthorised constructions or alteration of buildings and unauthorised development of lands may be extended so as to enable more persons to avail the benefits of such regularisation scheme. Therefore, the Government have decided to extend the time limit for submission of application for such regularisation for a period of four months beyond the 31st December 2002 and to amend the aforesaid Acts for the purpose.³ The Bill seeks to give effect to the above decision. Inasmuch as amendments to Chennai City Municipal Corporation Act, 1919, Madurai City Municipal Corporation Act, 1971 and Coimbatore City Municipal Corporation Act, 1981, have been made in consolidated single amendment Act, the Statements of Objects and Reasons given in Chennai City Municipal Corporation Act, 1919 may be referred to at

pages 173 to 203 of this Volume for this Act also. Published in Part IV-Section of the Tamil Nadu Government Gazette Extraordinary, No. 02, dated the 21st April 2003. Statement of Objects and Reasons - Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012 (Act No. 47 of 2012, dated 16.11.2012). - It has been brought to the notice of the Government that unfortunate death of a school student has occurred due to lack of safety measures in construction and maintenance of swimming pool. The Government, therefore consider that there is an imperative need to evolve meaningful and comprehensive measures to ensure the safety and security of the users of the swimming pools, particularly in educational institutions. Accordingly, to effectively regulate the construction, maintenance and monitoring of swimming pools, the Government have decided to suitably amend the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act, 25 of 1981) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920). 2. The Bill seeks to give effect to the above decision. An Act to provide for the establishment of Municipal Corporation for the City of Madurai in the State of Tamil Nadu. Be it enacted by the Legislature of the State of Tamil Nadu in the Twenty-second Year of the Republic of India as follows:-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Madurai City Municipal Corporation Act, 1971. (2) It extends to the City of Madurai. (3) It shall be deemed to have come into force on the first day of May, 1971.

2. Definitions.

- In this Act, unless the context otherwise requires, - (1) "appoint" includes to appoint temporarily or in an officiating capacity; (2) "appointment" includes temporary and officiating appointments; (2-A) [xxx] [Inserted by Tamil Nadu Act 34 of 1995 and omitted by Tamil Nadu Act 17 of 1996.]; (3) "budget grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the council; (4) "building" includes - (a) a house, out-house, stable, latrine, godown, shed, hut 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" means a line which is in rear of the street-alignment and to which the main-wall of the building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the building rules; (6) "carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, cycle-rickshaw and palanquin, but does not include any motor vehicle within the meaning of Motor Vehicles Act, 1939 (Central Act IV of 1939); (7) "cart" includes any wheeled vehicle which is not a carriage, but does not include any motor vehicle within the meaning of [Motor Vehicles Act, 1939 (Central Act IV of 1939)] [This Act has been repealed and

re-enacted as the Motor Vehicles Act, 1988 (Central Act 59 of 1988).];(8)"casual vacancy" means a vacancy occurring otherwise than by efflux of time and "casual election" means an election held on the occurrence of a casual vacancy;(9)"City of Madurai" or "City" means the local area comprised in the Madurai Municipality and includes any local area which after the commencement of this Act, is included in the City, but does not include any local area which after such commencement is excluded from the City;(10)"company" means-(a)any company as defined in the Companies Act, 1956 (Central Act I of 1956), including any foreign company within the meaning of section 591 of that Act;(b)any body corporate; or(c)any firm or association, whether incorporated or not carrying on business in the State of Tamil Nadu whether or not its principal place of business is situated in the said State;(11)"corporation" means the Municipal Corporation of Madurai constituted under section 3;(11-A) [xxx] [Inserted by Tamil Nadu Act 18 of 1991 and omitted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).](12)"dairy" includes-(a)any farm, cattle-shed, 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 dairy man who does not occupy any premise 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 airtight and hermetically sealed and unopened receptacles in the same original condition in which it was first received in such shop or place;(13)"dairy man" includes any occupier of a dairy, any cow-keeper who trades in milk or any seller of milk whether wholesale, or by retail;(14)"dairy produce" includes milk, butter, ghee, cheese, cream, butter-milk and any and every product of milk;(15)"date of commencement of this Act" means the first day of May 1971;(16)"filth" means-(a)night-soil and other contents of latrines, cesspools and drains;(b)dung and refuse or useless offensive material thrown out in consequence of any process of manufacture, industry or trade; and(c)putrid and putrefying substances;(17)"food" includes-(a)every article (other than drugs and water) used as food or drink for human consumption;(b)all materials used or admixed in the composition or preparation of such article; and(c)flavouring or colouring matter, confectionery, spices and condiments;(18)"Government" means the State Government;(19)"hut" means any building which is constructed principally of wood, mud, leaves, 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 purposes of this Act;(20)"hutting ground" means an area containing land occupied by or for the purpose of any collection of huts standing on a plot of or two or more plots of land which are adjacent to one another and not less than two hundred and twenty square metres in area;(21)"infectious disease" shall have the same meaning as in section 52 of the Tamil Nadu Public Health Act, 1939 (Tamil Nadu Act III of 1939);(22)"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;(23)"local authority" does not include a cantonment authority;(24)"Madurai Municipality" means the Madurai Municipality as constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920);(25)"milk" means the milk of a cow, buffalo, goat, ass or other animal and includes cream, skimmed milk, separated milk and condensed, sterilized or desicated milk or any other product of milk;[(25-A) "Municipal area" means the territorial area of the Municipal Corporation of Madurai as is notified by the Governor under clause (d) of Article 243-P of the Constitution;] [Inserted by Tamil Nadu Municipal Corporation Laws

(Amendment and Special Provision) Act, 3994 (Tamil Nadu Act 26 of 1994).](26)"municipal office" means the principal office of the Corporation;(27)"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;(28)"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;(29)"ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy;(30)"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; and(b)The person for the time being in charge of the animal or vehicle, in connection with which the word is used;(31)"palanquin" includes tonjons, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick persons;(32)"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;(33)"public street" means any street, road, square, court, alley, passage or riding path 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 footway attached to any such street, public bridge or causeway; and(c)the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lies flu either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Central or any State Government;(34)"public water-course, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use;(35)"re-construction" of a building includes-(a)the re-erection wholly or partially of any building after more than one-half of its cubical contents has been taken down or burnt down, or has fallen down whether at one time or not;(b)the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within three metres 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 framework of the lowest storey;(c)the conversion into a dwelling-house or 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 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 a factory, as the case may be;(36)"residence" - "reside" - a person is deemed to have his "residence" or to "reside" in any house 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 or hut merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house or hut at any time and has not abandoned his intention of returning;(37)"rubbish"

means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth";(38)"salary" means pay and acting pay or payment by way of commission and includes exchange compensation allowances, but not allowances for house rent, carriage-hire or travelling expenses;(39)"sanitary worker" means a person employed in collecting or removing rubbish or filth or in cleansing drains, latrines, or slaughter-houses or in driving carts used for the removal of rubbish or filth;(40)"Scheduled Castes" shall have the same meaning as in the Constitution;(41)"Scheduled Tribes" shall have the same meaning as in the Constitution;[(41-A) "[Tamil Nadu] [Clauses (41 -A) and (41 -B) were inserted by (Tamil Nadu Act 26 of 1994).] State Election Commission" means the [Tamil Nadu] [The words 'Tamil Nadu' added by Tamil Nadu Act 22 of 2001.] State Election Commission referred to in section 10-D;(41-B) "[Tamil Nadu] [The words 'Tamil Nadu' added by Tamil Nadu Act 22 of 2001.] State Election Commissioner" means the [Tamil Nadu] [The words 'Tamil Nadu' added by Tamil Nadu Act 22 of 2001.] State Election Commissioner referred to in section 10-D;](42)"street alignment" means a line dividing the land comprised in and forming part of a street from the adjoining land;[(42-A) "Wards Committee" means the Wards Committee referred to in [section 5-A] [Clause (42-A) inserted by Tamil Nadu Act 22 of 2001.];(43)"Water-course" includes any river, stream or channel whether natural or artificial;(44)"year" means the financial year;(45)[xxx] [Sub-clause (45) inserted by Tamil Nadu Act 26 of 1994 and omitted by Tamil Nadu Act 22 of 1996.]

Chapter II

Constitution of Municipal Authorities

3. The Municipal Authorities and their incorporation.

(1)There shall be a corporation charged with the municipal government of the City of Madurai to be known as the Municipal Corporation of Madurai.(2)The corporation shall, by the said name, be a body corporate, shall have perpetual succession and a common seal and subject to any restricts or qualifications imposed by this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring holding or transferring property movable or immovable, of entering into contracts and of doing all things necessary for the purpose of its constitution.(3)For the efficient performance of the functions of the corporation, there shall be the following municipal authorities of the corporation, namely:-(a)[a Mayor; [Substituted by Tamil Nadu Act 38 of 2008.](aa)a council;](b)standing committees, [xxx] [The word 'and' omitted by Tamil Nadu Act 26 of 1994.](bb)[the wards committee, and (c) a Commissioner.] [Clause (bb) inserted by Tamil Nadu Act 26 of 1994.](4)The Government may, by notification, declare their intention --(a)to exclude from the City any local area in the vicinity thereof and defined in such notification;(b)to include within the City any local area comprised therein and defined in such notification:Provided that no cantonment shall be included within the City.(5)Any inhabitant of a local area in respect of which any such notification has been published or any local authority affected by any such notification or the council of the corporation desiring to object to any therein contained, may submit the objections in writing to the Government within six weeks from the publication of the notification and the Government shall take all such objections into consideration.(6)When six weeks from the publication of the notification have expired and the

Government have considered the objections, if any, which have been submitted, they may, as the case may be, by notification, exclude from or include in the City, the local area or any portion thereof.(7)This Act shall cease to apply to, or come into force in, any such local area or any portion thereof, as the case may be, on such date as may be specified in the notification under sub-section 6.(8)If any local area in which Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the [Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [Repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).], is in force, is constituted as, or included in, the City, the Government may pass such orders as they may deem fit as to the transfer to the Corporation or disposal otherwise of the assets or institutions of any municipality or panchayat in the local area and as to the discharge of the liabilities, if any, of such municipality or panchayat relating to such assets or institutions, as the case may be.

4. Bar of application of Tamil Nadu Act V of 1920.

(1)Subject to the provisions of sub-sections (2) and (3), the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) shall, with effect from the date of commencement of this Act, cease to apply to tire City.(2)Such cesser shall not affect -(a)the previous operation of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) in respect of the City;(b)any penalty, forfeiture or punishment incurred in respect of any offence committed against the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920); or(c)any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment,and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.(3)Notwithstanding anything contained in sub-section (1), all notifications, rules, by-laws, regulations, orders, directions and powers made, issued or conferred under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), and in force on the date of commencement of this Act shall so far as they are not inconsistent with the provisions of this Act, continue to be in force in the City, until they are replaced by the notifications, rules, by-laws, regulations, orders, directions and powers to be made or issued or conferred under this Act.

5. [Constitution of the council. [Original section 5 was substituted by Tamil Nadu Act 18 of 1991 and new sections 5,5-A and 5-B for section 5 were substituted by Tamil Nadu Act 26 of 1994.]

(1)The council shall consist of seventy-two councillors elected in the manner laid down in this Act.(2)The following persons shall also be represented in the council, namely:-(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;(c)[all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the Corporation.] [Substituted by Tamil Nadu Act 22 of 1996.](d)[* * *] [Clause (d) omitted by Tamil Nadu Act 22 of 1996] [(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.] [Sub-section 2-A inserted by Tamil Nadu Act 22 of 1996.](3)Seats shall be reserved for the persons belonging to the

Scheduled Castes and Scheduled Tribes in the council 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 the council as the population of the Scheduled Castes in the 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 (Tamil Nadu Act 26 of 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 Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and 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 Scheduled Tribes. (4-A) and (4-B) [* * *] [Inserted by Tamil Nadu Act 34 of 1995 and omitted by Tamil Nadu Act 17 of 1996.] (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 [including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes] [Substituted by the Tamil Nadu Act 17 of 1996, w.e.f. 14-8-1996.] and of the total number of seats in the council. (6) The reservation of seats under sub-sections (3) and (4) shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution.]

5A. [Constitution of Wards Committees. [Substituted by Tamil Nadu Act 22 of 1996.]

(1) There shall be constituted by the 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 councillors of the Corporation representing the wards within the territorial area of the wards committee; and (b) [xxx] (3) The Government may, after consultation with the Corporation, from time to time, by notification, after the name, increase or diminish the area of any wards committee specified in the notification issued under sub-section (1).]

5B. [Duration of corporation. [Section 5-B was inserted by Tamil Nadu Act 26 of 1994.]

(1) The corporation, unless sooner dissolved under section 48, 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. Constitution of standing committees.

- [(1) There shall be constituted by the Government, by notification, such number of Standing Committee 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.(1-A) The composition of Standing Committee 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.] [Substituted by Tamil Nadu Act 26 of 1994.](2)Wherever in this Act the expression "the 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 regulations made by the council.

7.

[* * *] [Omitted by Tamil Nadu Act 22 of 1996 w.e.f. 14.8.1996.]

8.

[* * *] [Omitted by Tamil Nadu Act 22 of 1996 w.e.f. 14.8.1996.]

9.

[* * *] [Omitted by Tamil Nadu Act 22 of 1996 w.e.f. 14.8.1996.]

9A. [Preparation of development plan. [Sections 9-A and 10-D were inserted by Tamil Nadu Act 26 of 1994.]

- The council shall prepare every year a development plan for the City of Madurai and submit it to the District Planning Committee, having jurisdiction over the City of Madurai, constituted under section 241 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994).]

10.

[* * *] [Omitted by Tamil Nadu Act 22 of 1996 w.e.f. 14.8.1996.]

10A.

[* * *] [Omitted by Tamil Nadu Act 22 of 1996 w.e.f. 14.8.1996.]

10B. [Election and term of office of Chairman of Wards Committee. [Substituted by Tamil Nadu Act 22 of 1996.]

(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 office, if the vacancy had not occurred.

10C. Powers and functions of Wards Committee.

(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.(2)[* * *] [Sub-section (2) was omitted by Tamil Nadu Act 22 of 1996.](3)[* * *] [Sub-section (3) was omitted by Tamil Nadu Act 22 of 1996.](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 [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.]

10D. [Elections to corporation. [Sections 9-A and 10-D were inserted by Tamil Nadu Act 26 of 1994.]

(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 [Tamil Nadu State Election Commission] consisting of a [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] to be appointed by the Governor under Article 243-K of the Constitution.(2)The Governor shall, when so requested by the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] make available to the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] such staff as may be necessary for the discharge of the functions conferred on the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] by sub-section (1).]

11. Commissioner, Deputy Commissioner and personal assistant to the Commissioner.

(1)There shall be a Commissioner, a Deputy Commissioner and a personal assistant to the Commissioner.(2)The Commissioner, the Deputy Commissioner and the personal assistant to the Commissioner shall be appointed by the Government.(3)The Commissioner, the Deputy Commissioner and the personal assistant to the Commissioner shall be whole-time officers of the Corporation and shall not undertake any work unconnected with their offices without the sanction of the council and the Government.(4)The Government may recover from the corporation the whole

of the salary and allowances paid to the Commissioner, the Deputy Commissioner and the personal assistant to the Commissioner appointed under sub-section (2) and such contribution towards their leave allowances, pension and provident fund as the Government may, by general or special order, determine.(5)Subject to the provisions of section 12, the Government shall have power to regulate the methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the Commissioner, the Deputy Commissioner and the personal assistant to the Commissioner appointed under subsection (2).The Several Authorities the Commissioner

12. Withdrawal of Commissioner from office.

- The 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 councillors as shall constitute not less than two-thirds of the sanctioned strength of the council.

13. Powers of Commissioner and Deputy Commissioner.

(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 in this Act, the executive power for the purpose of carrying out the provisions of this Act shall be vested in the Commissioner.(2)The Commissioner may, without the sanction of the council, incur petty contingent expenditure incidental to the municipal administration, not exceeding five hundred rupees in each case:Provided that-(a)provision to meet the expenditure is available under the relevant head of account in the budget framed by the council, with the modifications, if any, made therein by the Government; and(b)the Commissioner shall report any expenditure incurred under this sub-section and the reasons therefor to the council at its next meeting.(3)Subject to the provisions of sub-section (1), the Commissioner and the Deputy Commissioner shall perform all the duties and exercise all the powers, specifically imposed or conferred on the Commissioner or the Deputy Commissioner, as the case may be, under this Act.

14. 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, the standing committees 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.

15. 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 any municipal authority 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 authority.

16. Salary of Commissioner, Deputy Commissioner and personal assistant to the Commissioner.

- The Commissioner, the Deputy Commissioner and the personal assistant to the Commissioner shall be paid out of the municipal fund such salary and allowances as may, from time to time, be fixed by the Government.

17. Service regulations of Commissioner, Deputy Commissioner and personal assistant to the Commissioner.

- If the Commissioner, the Deputy Commissioner or the personal assistant to the Commissioner 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.

18. Delegation of Commissioner's power to the Deputy Commissioner or to the holder of any municipal office.

- The Commissioner may delegate any of the powers, duties or functions conferred or imposed upon or vested in him by or under this Act to the Deputy Commissioner or to the holder of any municipal office: Provided that -(a) such delegation shall be in writing and a copy of the order of delegation shall be laid before the council at the meeting held next after the order of delegation is made; (b) when the Commissioner delegates under this section any power, duty or function 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.

19. Reservation of control in respect of powers delegated.

- The exercise or discharge by the Deputy Commissioner or other municipal officer of any powers, duties or functions delegated to him under section 18 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.

20. Delegation of Commissioner's extraordinary powers.

- The Commissioner may, on his own responsibility and by an order in writing, authorise the Deputy Commissioner or other municipal officer or any person in temporary charge of the duties of the municipal officer to exercise the extraordinary powers conferred on him, by section 15.

21. Delegation of powers to Commissioner by a standing committee.

(1) In any case in which it is provided by this Act or any other law that the Commissioner may take action subject to the approval, sanction, consent or concurrence of a standing committee, the committee may, by resolution in writing, authorize him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions 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 standing committee, he shall forthwith inform the committee of the fact. Council

22. Functions 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 a standing committee or the Commissioner. (2) If any doubt arises as to the municipal authority to which any particular function pertains, the Mayor shall refer the matter to the Government whose decision thereon 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 statement of receipts and disbursements and all progress reports and pass such resolution thereon as it thinks fit.

23. Resolutions and orders of council.

(1) The standing committee and the Commissioner shall be bound to give effect to every resolution or order of the council unless such resolution or order is cancelled in whole or in part by the Government. (2) 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 any order passed by the Government, or if there is no provision in the budget of the council authorizing the doing of any action contemplated in such resolution or order, or if the doing of any such action contemplated in such resolution or order involves expenditure in excess of the amount provided for in the budget of the council, or if there would be any miscarriage of justice in the implementation of such resolution or order relating to corporation establishment, 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 Government may, by general or special order, specify, from time to time, refer the matter to the Government for orders, 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 orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to the resolution or order.

24. Duties and powers of individual councillors.

(1) Any councillor 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 improvement which he considers desirable. (2) Every councillor shall have the right to

interpellate the Mayor on matters connected with the municipal administration subject to such regulations as may be framed by the council.(3)Every councillor shall have access during office hours to the records of the corporation after giving due notice to the Commissioner, provided that the Commissioner may, for reasons given in writing, forbid such access. The councillor may appeal against such order to the Mayor whose decision thereon shall be final.

25. Mayor, Deputy Mayor, or councillor not to receive remuneration.

- Neither the Mayor nor the Deputy Mayor, nor any councillor 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: Provided that nothing in this section shall apply to the payment of any conveyance allowance or travelling allowance to the Mayor or the Deputy Mayor or any councillor by the corporation at such rates as may be prescribed.

25A. [Mayor, Deputy Mayor or councillor to obtain permission to undertake trip to foreign country. [Inserted by Tamil Nadu Act 31 of 2002 w.e.f. 17-4-2003.]

- 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 Government.]

26. Requisitions by council or standing committee for Commissioner's records.

(1)The council 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 interests 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 the standing committee, as the case may be, refer the question to the Mayor whose decision thereon shall be final.

27. Council's power to call for records of committees.

- The council may, at any time call for an extract from [the proceedings of a standing committee or a wards committee] [Substituted by Tamil Nadu Municipal Corporation Law (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).] or of any other 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 complied with by such committee.

28. Appointment of joint committee.

(1)The council may, and if so required by the Government shall, join with one, or more than one other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible.(2)A joint committee may include persons who are not members of the local authorities concerned, but who may, in their opinion, possess special qualifications or special interest for serving on such committee:Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.(3)The constitution of a joint committee shall be by means of regulations which shall not except in the cases referred to in sub-sections (6) and (7), have effect unless assented to by each of the local authorities concerned.(4)The regulations shall determine -(a)the total number of members of the joint committee;(b)the number which shall be members of the local authorities concerned and the number which 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 the 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-section (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.(6)If the Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).(7)If any difference of opinion arises between local authorities under any of the foregoing provisions of this section, it shall be referred to the Government whose decision thereon shall be final.(8)The powers of the Government under this section shall, where one of the local authorities concerned is the port authority of a major port, only be exercisable with the concurrence of the Central Government.Provisions Common to the Council and the Committees

29. [Election of Mayor and Deputy Mayor. [Substituted by Tamil Nadu Act 18 of 2006 w.e.f. 14-7-2006.]

(1)The council shall, at its first meeting after each ordinary election to the council,-(i)elect one of its councillors to the Mayor; and(ii)elect one of its councillors other than the Mayor to be the Deputy Mayor.(2)A Deputy Mayor on being elected as Mayor shall cease to be the Deputy Mayor.

30. Term of office of Mayor and Deputy Mayor.

(1)The Mayor or Deputy Mayor shall be entitled to hold office for a period of five years from the date of his election provided that in the meantime he does not cease to be the councillor.(2)On the occurrence of any vacancy in the office of Mayor or Deputy Mayor the council shall, within such time as may be prescribed, elect a successor, who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.(3)A Mayor or a Deputy Mayor shall be deemed to have vacated his office on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or On his

otherwise ceasing to be the Mayor or Deputy Mayor, as the case may be.

31. Re-eligibility of Mayor and Deputy Mayor.

- An outgoing Mayor or Deputy Mayor is eligible for re-election.]

32. Rules and regulations for proceedings of council and committees.

- The council and the standing committees shall observe the procedure laid down in Schedule I and may make supplementary regulations not inconsistent therewith, or with other provisions of this Act or any rules made by the 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.

33. Presidency of council and committees.

(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, [the councillors and the persons referred to in [clauses (b) and (c)] [Substituted by Tamil Nadu Act 22 of 1996.] of sub-section (2) of section 5 shall elect one from among the councillors to preside for the occasion.] (2) Every meeting of [a standing committee or a wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] shall be presided over by its chairman and in his absence by a member thereof chosen by the meeting to preside for the occasion. (3) The Mayor, the Deputy Mayor, the councillor or the chairman, as the case may be, presiding at a meeting of the council or committee 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 Mayor, the Deputy Mayor, the councillor presiding or the chairman thereon, shall save as it otherwise expressly provided in this Act, be final. (4) The Deputy Mayor or the councillor presiding at a meeting of the council and the member presiding at a meeting of a standing committee shall for that meeting and during the period that he presides over it have all the powers and be subject to all the obligations of the Mayor or the chairman, as the case may be. (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 the 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 be deemed to have failed to attend the meeting of the council for the purpose of clause (k) of sub-section (1) of section 57.

34. Commissioner or other officer when to attend meetings, etc.

(1) The Commissioner and the Deputy Commissioner shall have the right to attend the meetings of the council and [of any standing committee, wards committee] [Substituted by Tamil Nadu Act 26 of

1994.] or other committees constituted under this Act to take part in the discussion, but shall not have the right to move any resolution or to vote.(2)The Commissioner, or the Deputy Commissioner or both of them shall attend any meeting of the council or [of any standing committee, wards committee or] [Substituted by Tamil Nadu Act 26 of 1994.] 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.

35. Councillors to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

(1)[No councillor or persons referred to in [clauses (b) and (c)] [Substituted by Tamil Nadu Act 26 of 1994.] of sub-section (2) of section 5] 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 [or ward committee] [Substituted by Tamil Nadu Act 26 of 1994.] or of other committees 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 Mayor or chairman of any committee may prohibit any [councillor or person referred to in clauses (b), (c) and (d) of sub-section (2) of section 5] [Substituted by Tamil Nadu Act 26 of 1994.] from voting on or taking part in the discussion of any matter in which the [councillor or person referred to in clauses (b), (c) and (d) of sub-section (2) of section 5] [Substituted by Tamil Nadu Act 26 of 1994.] is believed to have such interest, or he may require the [councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5] [Substituted by Tamil Nadu Act 26 of 1994.] to absent himself during the discussion.(3)[Such councillor or persons referred to in clauses (b), (c) and (d) of subsection (2) of section 5] [Substituted by Tamil Nadu Act 26 of 1994.] may challenge the decision of the Mayor or chairman of the committee concerned who shall thereupon put the question to the meeting. The decision of the meeting shall be final.(4)If the Mayor or chairman of any committee is alleged by any [councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section-5] [Substituted by Tamil Nadu Act 26 of 1994.] present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such [councillor or persons referred to in clauses (b), (c) and (d) of sub-section (2) of section 5] [Substituted by Tamil Nadu Act 26 of 1994.] if carried, be required to absent himself from the meeting during the discussion.(5)The [councillor concerned or persons referred to in clauses (b), (c) and (d) of sub-section, (2) of section 5] [Substituted by Tamil Nadu Act 26 of 1994.] shall not be entitled to vote on the question referred to in sub-section (3) and the Mayor or chairman of the committee 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, or councillor presiding for the occasion and "chairman" includes a member presiding for the occasion at a meeting of a committee.

36. 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 [or any member or chairman of a wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] 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 special meeting of the

council to be convened by the Deputy Mayor or in his absence, by the District Collector within ten days from the date of receipt of such notice and in any other cases from the date on which it is received by the Mayor.

37. Saving of validity of proceedings.

- No act or proceeding of the council or of [a standing committee or wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] or any other committee constituted under this Act or of any person acting as Mayor, Deputy Mayor or member of the council or committee shall be deemed to be invalid or ever to have been invalid by reason only of a defect in the establishment of the council or committee or on the ground that the Mayor, Deputy Mayor or any member of the council or committee was not entitled to hold or continue in such office by reason of any disqualification or on the ground that it is discovered subsequently that the Mayor, Deputy Mayor or any member of the council took part in any proceeding or voted on any question or motion in contravention of section 35 or by reason of any irregularity or illegality in his election or appointment or in the service of any notice of meeting of the council or of any committee or by reason of such act having been done during the period of any vacancy in the office of Mayor or Deputy Mayor or member of the council or committee. Mayor

38. [Prerogative of the Mayor. [Substituted for section 37 by Tamil Nadu Act 38 of 2008.]

(1)The Mayor shall have full access to all records of the corporation and may obtain reports from the Commissioner on any matter connected with the administration of the corporation.(2)All important official correspondence between the corporation and the State Government as may be decided by the council shall be conducted through the mayor.(3)The Mayor shall be bound to transmit communications addressed through him by the commissioner to the State Government or by the State Government to the Commissioner, while transmitting communications from the Commissioner to the State Government, the Mayor may make such remarks as he thinks necessary.]

38A. [Entrustment of additional functions to Mayor. [Inserted by Tamil Nadu Act 38 of 2008.]

- The State Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act.]

39. Mayor to be member of all committees.

(1)The Mayor shall be a ex-officio member of [every standing committee, wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] and of every other committee except Taxation Appeals Committee, but shall not be eligible to be elected as the chairman of any standing committee [or wards committee] [Inserted by Tamil Nadu Act 36 of 1978.];(2)If the Mayor was at the time of his

election the chairman or an elected member of [a standing committee or wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] and Taxation Appeals Committee, he shall cease to hold office as such chairman or member.(3)If a vacancy occurs in the office of chairman of [any standing committee or wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] 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 office he is elected would have been entitled to hold office if the vacancy had not occurred.Deputy Mayor

40. The 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.District Collector as a Mayor

40A. [District Collector to perform functions of a Mayor. [Inserted by Tamil Nadu Act 36 of 1978.]

- Notwithstanding anything contained in this Act, when the office of Mayor is vacant or he has been continuously absent from the City for more than fifteen days or is incapacitated and the office of the Deputy Mayor is also vacant or if the Deputy Mayor is also absent as aforesaid or is incapacitated, the District Collector shall exercise the powers and perform the functions of the Mayor, until a new Mayor is elected or the Mayor, or Deputy Mayor returns to the City or recovers from his incapacity, as the case may be.]Administration Report

41. Submission of administration report to 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 Government, the corporation shall submit to the Government, a detailed report of the administration during the preceding year in such form as the Government may direct.(2)The Commissioner shall prepare such report and the council shall consider the report and forward the same to the Government with its resolutions thereon, if any.(3)Copies of the administration report shall be kept for sale at the municipal office.Powers of the Government

42. Government's power to call for records.

- The 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.

43. Government's power to cause inspection to be made.

- The 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 the purposes of such inspection or examination, exercise all the powers conferred by section 42.

44. Government's power to direct the taking of action.

- If on any receipt of any information or report obtained under section 42 or section 43, the Government are of opinion. -(a)that any duty imposed on any municipal authority by or under this Act or under any other 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 Government may, by an order, direct the municipal authority concerned, within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty, or to make financial provision to their satisfaction for the performance of the duty, as the case may be:Provided that, unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall, before making an order under this section, give the council an opportunity of showing cause why such order should not be made.

45. 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 44, any action directed under that section has not been duly taken, the Government may by order-(a)direct the Commissioner or appoint some person to take the action so directed;(b)fix the remuneration to be paid to such person; and(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 Chapter V of this Act, shall be levied or increased, but not so as to exceed any maximum prescribed by that Chapter.(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 subsection (1), and shall be entitled to protection under this Act as if he were a municipal authority.(3)The 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 in their opinion be required for giving effect 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 repayment and otherwise as may be specified in the notification.(4)The provisions of sections 174 to 185 shall, as far as may be, apply to any loan raised in pursuance of this section.

45A.

[* * *] [Inserted by Tamil Nadu Act 53 of 2002 and subsequently omitted by Tamil Nadu Act 9 of 2008.]

46. Submission of copies of proceedings, resolutions and by-laws to Government.

- The Mayor shall submit to the Government copies of all important resolutions of the council and of the [standing committees or wards committees] [Substituted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).] or other committees and all by-laws of the council.

47. Power to suspend or cancel resolutions, etc., under this Act.

(1)The Government may, at any time by order in writing, -(i)suspend or cancel any resolution passed, order issued, or licence or permission granted; or(ii)prohibit the doing of any act which is about to be done or its being done, in pursuance or under colour of this Act if, in their opinion-(a)such resolution, order, licence, permission or act has not been legally passed, issued, granted or 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 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 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 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:Provided further that nothing in this sub-section shall enable the Government to set aside any election which has been held.(2)If, in the opinion of the Commissioner, immediate action is necessary on any of the grounds referred to in clause (d) of sub-section (1), he may suspend the resolution, licence, permission or act, as the case may be, and report to the Government who may thereupon either rescind the Commissioners order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that it shall continue in force with or without modifications permanently or for such period as they think fit.(3)The Government may, at any time, by notification repeal wholly or in part or modify, any by-law:Provided that before taking any action under this sub-section, the 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.(4)The repeal or modification of any by-law shall take effect from the date of publication of the notification, if no date is therein specified, and shall not affect anything done, omitted or suffered before such date.

48. [Governments power to dissolve the Corporation.] [Section heading substituted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).]

- [(1) If, in the opinion of the Government, the corporation is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, the Government may, by notification,-] [Substituted by Tamil Nadu Act 26 of 1994.](a)dissolve the corporation from a specified date; and(b)direct that the corporation be re-constituted with effect from a date which shall not be later than six months from the date of dissolution.[(1-A)] [Section heading substituted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).] An election to re-constitute 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 Government shall communicate to the council the grounds on which they propose to do so, fix a period of not less than thirty days for the council 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 council 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 [and the persons referred to in sub-section (2) of section 5 shall cease to be represented in the council] [Inserted by Tamil Nadu Act 26 of 1994.] and fresh elections shall be held in accordance with the provisions of this Act.(5)[Dissolution] [Substituted by Tamil Nadu Act 26 of 1994.] 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 ensue:-(a)all the members of the council 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 council, of the Mayor and of the committees, established or constituted by or under this Act except the Taxation Appeals Committee may, [during the period of dissolution] [Substituted by Tamil Nadu Act 26 of 1994.] be exercised and performed, as far as may be, and to such extent as the Government may determine by such person as the Government may appoint in that behalf and any such person may, if the Government so direct, receive payment for his services from the municipal fund; the 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 council and of the committees aforesaid except the Taxation Appeals Committee in addition to his own;(c)all or any of the functions of the Taxation Appeals Committee may, [during the period of dissolution] [Substituted by Tamil Nadu Act 26 of 1994.] be exercised and performed by the chairman of the said committee.(6)[xxx] [Substituted by Tamil Nadu Act 26 of 1994.](7)The Government may reconstitute the Council before the expiry of the period notified under sub-section (1) [x x x] [The words 'or sub-section (6)' omitted by Tamil Nadu Act 26 of 1994.](8)[All the newly elected councillors 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] [Substituted by Tamil Nadu Act 26 of 1994.](9)[xxx] [Omitted by Tamil Nadu Act 26 of 1994.](10)When the council is dissolved [x x x]

[Omitted by Tamil Nadu Act 26 of 1994.] under this section, the Government until the date of the reconstitution thereof and the reconstituted council there after shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the dissolution [x x x] [Omitted by Tamil Nadu Act 26 of 1994.] and on the date of the reconstitution respectively.

48A. [Delegation of power by Government. [Section 48-A inserted by Tamil Nadu Act 26 of 1994.]

- The Government may, by notification, direct that any power exercisable by it under this Act shall, subject to such conditions, 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.]

48AA. [State Government to remove Mayor or Deputy Mayor. [Sections 48-AA and 48-AB were inserted by Tamil Nadu Act 18 of 2006 w.e.f. 14-7-2006.]

(1)The State Government may, by notification, remove a Mayor or a Deputy Mayor, who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations made or lawful orders issued under this Act or abuses the powers vested in him.(2)The State Government shall when they propose to take action under subsection (1), give the Mayor or Deputy Mayor concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of the State Government for the action taken.(3)Any person removed under sub-section (1) from the office of the Mayor or Deputy Mayor shall not be eligible for election to the said office until the date on which notice of the next ordinary elections to the council is published in the prescribed manner, or expiry of one year from the date specified in such notification.

48AB. Motion of no-confidence in Mayor or Deputy Mayor.

(1)Subject to the provisions of this section, a motion expressing want of confidence in the Mayor or Deputy Mayor may be made in accordance with the procedure laid down herein.(2)Written notice of intention to make the motion, in such form as may be fixed by the State Government, signed by such number of councillors as shall constitute not less than [three-fifth] [Substituted for the words 'one half' by Tamil Nadu Municipal laws (Amendment Act, 2007 (Tamil Nadu Act 37 of 2007).] of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered in person to the Commissioner by any two of the councillors signing the notice.(3)The Commissioner shall then convene a meeting for the consideration of the motion, to be held at the municipal office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under subsection (2) was delivered to him. He shall give to the councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.(4)The Commissioner shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the Commissioner is not present to preside at the meeting, the meeting shall stand adjourned to a

time to be appointed and notified to the councillors by the Commissioner under sub-section (5). (5) If the Commissioner is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting. (6) Save as provided in sub-sections (4) and (5) a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned. (7) As soon as the meeting convened under this section commenced, the Commissioner shall read to the council the motion for the consideration of which it has been convened and declare it to be open for debate. (8) No debate on any motion under this section shall be adjourned. (9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours, as the case may be, the motion shall be put to the vote of the council. (10) The Commissioner shall not speak on the merits of the motion, nor shall be entitled to vote thereon. (11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Commissioner to the State Government. (12) If the motion is carried with the support of not less than [four-fifth] [Substituted for the words 'three-fifth' by Tamil Nadu Municipal Laws (Amendment Act, 2007 (Tamil Nadu Act 37 of 2007).] of the sanctioned strength of the council, the State Government shall, by notification, remove the Mayor or the Deputy Mayor, as the case may be. (13) If the motion is not carried by such a majority as aforesaid, or if the ; meeting cannot be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same Mayor or the Deputy Mayor shall be received until after the expiry of six months from the date of the meeting. (14) No notice of a motion under this section shall be received-(i) within one year of the assumption of office by, (ii) during the last year of the term of office of, a Mayor or a Deputy Mayor.]

Chapter III

Election and Appointment of Councillors

49. [Seventy-two wards] [Heading of section 49 substituted by Tamil Nadu Act 27 of 1990.].

- [(1) For the purpose of the election of the seventy two councillors referred to in sub-section (1) of section 5, the city shall be divided into seventy-two wards the boundaries of which shall be fixed by the Government by notification.] [Sub-section (1) substituted by Tamil Nadu Act 27 of 1990.] (2) All the electors of a division, irrespective of their community or sex, shall be entitled to vote at an election to the seat in that division. (3) When issuing under sub-section (1) a notification which materially alters the existing wards of the City, the Government may direct that the alteration shall take effect from the date of the next ordinary elections.

50. Number of councillors for each wards.

- Only one councillor shall be elected for each ward,

50A. [Special provision relating to election. [Section 50-A was inserted by Tamil Nadu Act 18 of 2006 w.e.f. 14-7-2006.]

- Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, for the first election to the council to be held immediately after the 14th day of July 2006, the territorial area of the wards of the city, the total number of wards and the total number of councillors to be returned from such wards shall be the same as they exist on the 14th day of July 2006.]

51. [Electoral roll for wards and qualifications for inclusion therein. [Section 51 was substituted by Tamil Nadu Act 32 of 1980.]

- [(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 stand so declared by a competent Court; or(c)is for the time being disqualified from voting under the provisions of section 82 or any law relating to corrupt practices and other offences in connection with elections;(3)No person shall be entitled to be registered in the electoral roll for more than one wards or in the electoral roll for any division in more than one place.(4)No person registered in the electoral roll for a division shall be entitled to be registered in the electoral roll for any territorial division or ward, as the case may be, of any City (other than the City of Madurai), 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 [Chennai] [Substituted for the word 'Madras' by Tamil Nadu Act 28 of 1996.] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) and 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 Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [This Act was, repealed and re-enacted as the Tamil Nadu Panchayats 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 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 wards referred to in section 49.Explanation. - For the purposes 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 a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in prison or other legal custody at any place shall not by reason thereof be deemed to be ordinarily resident therein.(d)If in any case a question arises as to whether a person is ordinarily resident in the city, at any relevant time the question shall be determined by the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2002.] in accordance with such rules as may be prescribed.]

52. Preparation and publication of electoral rolls, etc.

(1)Any officer of the Government or the corporation authorized in the behalf by the [Tamil Nadu State Election Commission, in consultation with the Government] [Substituted by Tamil Nadu Act 26 of 1994] shall, for the purposes of this Act, prepare and publish in such manner and at such times as the Government may direct, the electoral roll for each of the divisions of the council; [x x x] [The words 'as determined under section 51' omitted by Tamil Nadu Act 27 of 1990.] or the alterations to such roll, as the case may be.Explanation. - The power conferred by this sub-section, on the person so authorized shall include the power to omit, in the manner and at the same time aforesaid, from the electoral roll for any such ward 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 51 [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:] [Inserted by Tamil Nadu Act 26 of 1994.]Provided that the name of any person omitted from the electoral roll for the division by reason of a disqualification under clause (c) of sub-section (2) of section 51 shall forthwith be reinstated in that roll if such disqualification is, during the period such roll is in force, removed under any law authorizing such removal.[(1-A) To assist the person authorised under sub-section (1) the [Tamil Nadu State Election Commission] [Added by Tamil Nadu Act 26 of 1994.] may employ such persons as it thinks fit.](2)Where after the electoral rolls for the wards of the council [x x x] [The words 'as determined by the Government under section 49' were omitted by Tamil Nadu Act 27 of 1990.] or any alterations to such rolls have been published under sub-section (1), the boundaries of any such wards are altered, the person authorized under that sub-section shall, in order to give effect to such alteration of boundaries, re-arrange and re-publish in such manner as [the (Tamil Nadu State Election Commission) [Substituted by Tamil Nadu Act 26 of 1994.]] may direct the electoral rolls for each of the wards concerned.(3)[xxx] [Omitted by Tamil Nadu Act 26 of 1994.](4)The electoral roll for any division published 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 subsection (1) of a fresh electoral roll for that ward.(5)Every person whose name appears in the electoral roll for any ward 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 such ward and no person whose name does not appear in such roll shall vote at such an election.

52A. [Jurisdiction of Civil Courts barred. [Inserted by Tamil Nadu Act 32 of 1980.]

- 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 wards referred to in section 49, or(b)to question the legality of any action by any authority under section 51 or section 52.

52B. Making false declaration.

- If any person makes in connection with -(a)the preparation, revision or correction of an electoral roll, or(b)the inclusion or exclusion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.]

53. Election of same person for more than one ward.

(1)If any person has been elected for two or more wards, he shall within seven days from the date of the last of such elections, intimate to the Commissioner, the ward, for which he chooses to serve.(2)In default of such intimation, the Commissioner shall determine by lot and notify the ward for which such person shall serve.(3)The said person shall be deemed to have been elected only for the ward so chosen or so notified, as the case may be, and the vacancies thereby arising in the representation of the other divisions shall be filled by fresh elections.

54. Disqualification of voters.

- No person who is of unsound mind as declared so by the competent Court shall be qualified to vote and no person who is disqualified under section 82 shall be qualified to vote so long as the disqualification subsists.

55. Qualification of candidates.

(1)No person shall be qualified for election, [x x x] [The words 'or co-option' omitted by Tamil Nadu Act 26 of 1991.] as a councillor unless -(a)his name is included in the electoral roll of any one of the divisions t of the City;(b)he has completed his twenty-first year of age; and(c)[xxx] [Clause (c) omitted by Tamil Nadu Act 18 of 1991.](2)No officer or servant either whole-time or part-time of the Central or any State Government or any local authority or any body corporate owned or controlled by the Central or any State Government, remunerated by either salary or fees, shall be qualified for election [x x x] [The words 'or co-option' omitted by Tamil Nadu Act 26 of 1994.] as a councillor:Provided that if any question arises either before or after an election [x x x] [The words 'or co-option' omitted by Tamil Nadu Act 26 of 1994.] whether any person is or is not disqualified under this sub-section, the question shall be referred to [the Governor] [Substituted by Tamil Nadu Act 26 of 1994.] whose decision shall be final.(3)[Before taking any decision on any such question,

the Governor shall obtain the opinion of the [Tamil Nadu State Election Commission] [Sub-section (3) inserted by Tamil Nadu Act 26 of 1994.] and shall act according to such opinion.]

55A. [Powers of [Tamil Nadu State Election Commission] [Sections 55-A to 55-D inserted by Tamil Nadu Act 26 of 1994.].

(1)Where in connection with the tendering of any opinion to the Governor under sub-section (3) of section 55, the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] 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 purpose 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 producible 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 1890) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) forward the case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case had been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).(4)Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 of the Indian Penal Code (Central Act XLV of 1860).

55B. Statements made by persons to the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.].

- No statement made by a person in the course of giving evidence before the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] 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 that the statement-(a)is made in reply to a question which he is required by the Commission to answer; or(b)is relevant to the subject-matter of the inquiry.

55C. Procedure to be followed by the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.].

- The [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] shall have the power to regulate its own procedure (including the fixing of places and times of its sitting and deciding whether to sit in public or in private).

55D. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] 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 55-A to 55-C or of any order made thereunder or in respect of the tendering of any opinions by the Commission to the Governor or in respect of the tendering of any opinion by the Commission to the Governor or in respect of the publication, by or under the authority of the Commission of any such opinion, paper or proceedings.]

56. Disqualification of candidates.

(1)A person who has been sentenced by a criminal Court to imprisonment for life or to imprisonment for a period of more than two years for any offence other than an offence of a political character or an offence not involving moral delinquency (such sentence is not having been reversed or the offence pardoned) shall be disqualified for election [x x x] [The words 'or co-option' omitted by Tamil Nadu Act 26 of 1994.] as a councillor [while the sentence is in force and for six years from the date of the expiration of the sentence.] [Substituted by Tamil Nadu Act 22 of 2001.][(1-A) A person convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act XXII of 1955), shall be disqualified for election [x x x] [Inserted by Tamil Nadu Act 11 of 1978.] as a councillor for a period of six years from the date of such conviction:]Provided that the person concerned shall not incur the disqualifications under this sub-section if he has been sentenced by a criminal Court for any offence of a political character.(2)A person shall be disqualified for election [x x x] [The words 'or co-option' omitted by Tamil Nadu Act 26 of 1994.] as councillor if such person is on the date of filing nomination, election [x x x] [The words 'or co-option' omitted by Tamil Nadu Act 26 of 1994.].(a)of unsound mind and is declared so by the competent Court:(b)an applicant to be adjudicated as a bankrupt or insolvent or an uncertified bankrupt or undischarged insolvent;(c)directly or indirectly, by himself or his partner, interested in a subsisting contract made with or any work being done for the corporation except as a shareholder (other than a director) in a company: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 water to any part of the City or insuring against fire any property of the corporation;(v)any company;(vi)the sale to the corporation of any

articles in which he regularly trades, or the purchase from the corporation of any articles in which he regularly trades: Provided further that where any contract has been fully performed by the person by whom it has been entered into with the corporation, then such contract shall be deemed not to subsist by reason of the fact that the corporation has not performed its part of the contract either wholly or in part; (d) employed as paid legal practitioner on behalf of the corporation or as legal practitioner against the corporation; (e) 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) an officer or servant holding office under this Act, or a Public Prosecutor or a Government Pleader; (g) already a councillor whose term of office as such will not expire before his fresh election or co-option can take effect or has already been elected a councillor whose term of office has not yet commenced; (h) in arrears of any kind due by him (otherwise than in a Judiciary capacity) to the corporation up to and inclusive of the previous 1 year, 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: Provided that the persons concerned shall not incur the disqualification under this sub-section unless he has been given a reasonable opportunity by the Commissioner for making his representation, if any; or (i) debarred from practising as a legal practitioner. (3) Notwithstanding anything contained in [sub-section (1), or sub-section (1-A)] [Substituted by Tamil Nadu Act 72 of 1978.], [the (Tamil Nadu State Election Commission) [Substituted by Tamil Nadu Act 26 of 1994.]] may direct that such conviction or sentence shall not operate as a disqualification. (4) No person who is disqualified under section 84 shall be qualified for election or co-option as a councillor so long as the disqualification subsists. (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 the order.

56A. [Disqualification for Mayor, Deputy Mayor and councillor. [Section 56-A inserted by Tamil Nadu Act 29 of 2002]

- 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 of the State or a member of either House of Parliament.] [Inserted by Tamil Nadu Act 22 of 2001.]

57. Disqualification of councillors.

(1) Subject to the provisions of section 62, [a councillor or a person referred to in clauses (b) [and (c)] [Substituted by Tamil Nadu Act 26 of 1994.] of sub-section (2) of section 5] 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 56; (aa) [is convicted of an offence punishable under the Protection of Civil Rights Act, 1955 (Central Act XXII of 1955);] [Clause (aa) was inserted by Tamil Nadu Act 11 of 1978.] (b) becomes of unsound mind and declared so by the competent Court; (c) applies to be adjudicated or is adjudicated as a bankrupt or insolvent; (d) subject to the

proviso to clause (c) of sub-section (3) of section 56, acquires any interest directly or indirectly, by himself or his partner, in any subsisting contract made with, or work being done for, the corporation except as a shareholder (other than a director in a company);(e)is employed as paid legal practitioner on behalf of the corporation or accepts employment as legal practitioner against the corporation;(f)becomes a representative or officer of any association or union representing, or purporting to represent, any section of the corporation establishment, or any class or employees of the corporation;(g)is appointed to any office or post referred to in clause (f) of sub-section (3) of section 56;(h)is disqualified under section 82;(i)ceases to reside in the City;(j)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 shall be the duty of the Commissioner to serve at the earliest possible date) has been duly served upon him by the Commissioner; Provided that the person concerned shall not incur the disqualification under this sub-section unless he has been given a reasonable opportunity by the Commissioner for making his representation, if any;(k)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, or of his restoration to office as councillor under sub-section (4), as the case may be:Provided that no meeting which a councillor does not attend shall be counted against him under this clause, if due notice of that meeting was not given to him:Provided further that no meeting that was adjourned for want of quorum shall be counted against him under this sub-section.Explanation. - A meeting held under sub-rule (2) of Rule 3 of Schedule I or Rule 6 of that Schedule shall not be deemed to be a meeting within the meaning of this clause.(2)Notwithstanding anything contained in clause (a) or clause (b) of sub-section (1) [the Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 26 of 1994.] may direct that such sentence or conviction shall not operate as a disqualification.(3)Where a person ceases to be a councillor under clause (a) or clause (aa) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected, [x x x] [The words 'or co-opted' omitted by Tamil Nadu Act 26 of 1994.] as may remain unexpired at the date of such restoration if and when the sentence, conviction, or order is annulled on an appeal or revision or the disqualification caused by the sentence or conviction or incurred under section 82 is removed by an order of the Government and any person elected, [x x x] [The words 'or co-opted' omitted by Tamil Nadu Act 26 of 1994.] 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 in consequence of failure to attend meetings the matter shall be reported by the Commissioner to the council at its next ordinary meeting and the council may at that meeting restore such person to office.

58. Disqualification of candidates for corruption or disloyalty.

(1)A person who having held an office under the corporation has been dismissed from such office for corruption or for disloyalty to the State shall be disqualified for election [or co-option] [The co-option was omitted by Tamil Nadu Act 26 of 1994.] as a councillor for a period of five years from the date of such dismissal.(2)For the purpose of sub-section (1), a certificate issued by the Commissioner or such other person authorised by the Commissioner, in this behalf that person having held office under the corporation, has or has not been dismissed for corruption or for

disloyalty to the State shall be conclusive proof of that fact: Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyalty to the State shall be issued unless an opportunity of being heard has been given to the said person.

59. [Oath or affirmation. [Section 61 substituted by Tamil Nadu Act 26 of 1994.]

(1) Every councillor and every person nominated under clause (a) of sub-section (2) of section 5, before taking his seat, shall make and subscribe at a meeting of the council an oath or affirmation according to the following form, namely:—"I, A.B. having been/ elected as a councillor of [x x x] this council do swear in the name of God solemnly affirm that will bear true faith and allegiance to the Constitution of India as by law established that will uphold the sovereignty and integrity of India and that will faithfully discharge the duty upon which am about to enter. (2) If a person sits or votes as a councillor [x x x] [Omitted by Tamil Nadu Act 22 of 1997.] 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.]

60. Decision of questions of disqualification of councillors.

(1) Whenever it is alleged that any person who has been elected or co-opted as a councillor is disqualified under section 57, section 58 section 59 or section 82 and such person does not admit the allegation or wherever any councillor is himself in doubt whether or not he has become so disqualified for office, such councillor or any other councillor may and the Commissioner, at the request of the council or on a direction from the Government, shall apply to the Subordinate Judge having jurisdiction over the City or if no Subordinate Judge has such jurisdiction, to the District Munsif having such jurisdiction. (2) The said Subordinate Judge or District Munsif, after making such inquiry as he deems necessary shall determine whether or not such, person is disqualified under [x x x] [The words 'sub-section (1) of section 55, section 56' omitted by Tamil Nadu Act 26 of 1994.] section 57, section 58, section 59 or section 82. (3) Pending the decision under sub-section (2), the councillor shall be entitled to act as if he were not disqualified. (4) (a) Against any decision under sub-section (2) any councillor may and the Commissioner, at the request of the council, or on a direction from the Government, shall appeal to the District Judge having jurisdiction over the City. (b) No such appeal shall be entertained after the expiry of thirty days from the date of the decision appealed from, unless such District Judge is satisfied that the appellant had sufficient cause for not preferring the appeal within those days. (5) Where an appeal has been preferred under sub-section (4) the District Judge may, on sufficient cause being shown, stay the operation of the decision appealed from and in such a case, the decision appealed from shall be deemed never to have taken effect. (6) The decision of the District Judge on appeal under sub-section (4), and subject only to such decision, the decision of the Subordinate Judge or the District Munsif under sub-section (2) shall be final. [Disputes regarding elections] [Sections 60-A, 60-B and 60-C inserted by Tamil Nadu Act 26 of 1994.]

60A. Election petitions.

(1) No election of a [Mayor or a] [Inserted by Tamil Nadu Act 22 of 1996.] councillor shall be called in question (except by an election petition presented to the District Judge having jurisdiction within 3[forty-five] days from the date of the publication of the result of the election under section 65.(2) An election petition calling in question any such election may be presented on one or more of the grounds specified in section 60-B by any candidate at such election, by any elector of the division concerned or by any councillor.(3) A petitioner shall join as respondents to his petition all the candidates at the election.(4) An election petition -(a) shall contain a concise statement of the material facts on which 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.

60B. Grounds for declaring elections to be void.

(1) Subject to the provisions of sub-section (2), if the District Judge is of opinion -(a) that on the date of his election a returned candidate was not qualified or was disqualified, to be chosen as a [Mayor or a] [Inserted by Tamil Nadu Act 22 of 1996.] 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(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;(iv) by the non-compliance with the provisions of this Act or any rules or orders made thereunder, the District Court shall declare the election of the returned candidate to be void.(2) If in the opinion of the District Court a returned candidate has been guilty by an agent of any corrupt practice but the District 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 respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the District Court decide that the election of the returned candidate is not void.

Corrupt Practices

60C. 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 candidates 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 candidates 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 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, placard or poster having a reference to election which does not bear the name and address of the printer and publisher thereof.(8)Any other practice which the Government may by rules specify to be a corrupt practice.

61. Term of office of councillors.

- The term of office of councillors shall, save as otherwise expressly provided in this Act, be [five years] [Substituted by Tamil Nadu Act 5 of 1989.] beginning and expiring at noon on such date as [the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 26 of 1994.] in consultation with the Government] by notification, appoint in that behalf.[x x x] [Proviso to section 61 omitted by Tamil Nadu Act 26 of 1994.]

62. Election of councillors.

- [(1) (a) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall, subject to the approval of the State Election Commission be fixed by the 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, [subject to the approval of the State Election Commission, be fixed by the 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 of retirement by afflux of time and that such vacancy shall be filled at the next ordinary election.(2)Notwithstanding, anything contained in this Act, [The [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 26 of 1994.] in consultation with the Government] [Substituted by Tamil Nadu Act 26 of 1994.] 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.(3)A councillor elected at a casual election shall enter upon office forth with 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)[xxx]
[Omitted by Tamil Nadu Act 18 of 1991.](5)[xxx] [Omitted by Tamil Nadu Act 18 of 1991.]

63.

[xxx] [Omitted by Tamil Nadu Act 26 of 1994.]

64.

[xxx] [Omitted by Tamil Nadu Act 26 of 1994.]

65. Notification of elections [xxx] [Omitted by Tamil Nadu Act 26 of 1994.].

- All elections of the Mayor and Deputy Mayor and all elections [xxx] [Omitted by Tamil Nadu Act 26 of 1994.] of councillors and all elections of the chairman and members of the standing committees shall be notified in the Tamil Nadu Government Gazette.

65A. [Grant of paid holiday to employees on the day of poll. [Inserted by Tamil Nadu Municipal Laws (2nd Amend.) Act, 2008 (Tamil Nadu Act 35 of 2008).]

(1)Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at election to the corporation shall, on the day of poll, be granted a holiday.(2)No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him, on that day.(3)If an employer contravenes the provisions of sub-section (1) or sub-section (2), then such employer shall be punishable with fine which may extend to five hundred rupees.(4)This section shall not apply to any elector whose absence may cause damage or substantial loss in respect of the employment in which he is engaged.]

66. Power of Government to make election rules.

(1)The Government may, in consultation with the [Tamil Nadu State Election Commission] [Substituted by Tamil Nadu Act 22 of 2001.] make rules regulating the procedure with regard to elections.(2)Without prejudice to the generality of sub-section (1), such rules may-(a)[provide for the adjudication by the District Judge having jurisdiction, of disputes arising out of elections; and] [Substituted by Tamil Nadu Act 26 of 1994.](b)Provide for all matters not expressly provided for in this Act relating to the election of the Mayor, the Deputy Mayor, or councillors including deposits to be made by candidates standing for election as councillors [the conditions under which such deposit may be forfeited and the maximum amount of expenditure which may be incurred by the candidates standing for election as [councillor] [Substituted by Tamil Nadu Act 22 of 1994.]:]Provided that the

deposit required shall not exceed one hundred rupees.

67. Infringement of secrecy of election.

- 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 authorized 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 which may extend to six months or with fine, or with both.

68. 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 t fine.

69. 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 fora term which may extend to three years, or with fine, or with both.

70. 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 forty-eight hours before the date of termination 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 provision of sub-section (1) shall be punishable with fine which may extend to two hundred and fifty rupees.

71. 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 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 ward between the earliest date for making nomination of candidates for an election and the date on which such election is held.(3)If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false

name or address, the police officer may arrest him without warrant.

72. 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 placard or poster having reference to an election, but does not include any hand-bill placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instruction 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.

73. Officers, etc., at elections not to act for candidates or to influence voting.

(1) No person who is a returning officer, or an assistant returning officer or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate. (2) No such person as aforesaid, and no member of a police force, shall endeavour—(a) to persuade any person to give his vote at an election; or (b) to dissuade any person from giving his vote at an election; or (c) to influence the voting of any person at an election in any manner. (3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

74. 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 metres 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 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.

75. Penalty for disorderly conduct in or near polling stations.

(1) No person shall, on the date or dates on which a poll is taken at any polling station, - (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station. (2) Any person who contravenes or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both. (3) If the polling officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person and, thereupon, the police officer shall arrest him. (4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1) and may seize any apparatus used for such contravention. Explanation. - In this section, the expression "polling officer" means the polling officer of a polling station or if there is a presiding officer at the polling station, such presiding officer.

76. 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 direction 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 75.

77. Penalty for illegal hiring or procuring of conveyances at elections.

(1) No candidate or his agent or any other person with the consent of a candidate or his agent shall hire or procure whether on payment or otherwise any vehicle or vessel for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station: Provided that nothing in this sub-section shall apply to - (a) the hiring of a vehicle or vessel by an elector or several electors at their joint costs for the purpose of conveying him or them to or from the polling station, if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power; and (b) the use of any public transport vehicle or vessel or any railway carriage by any elector at his own cost for the purpose of going to, or coming from, the polling station. Explanation. - In this sub-section, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or

otherwise and whether used for drawing other vehicles or otherwise.(2)Any person who contravenes the provisions of sub-section (1) at or in connection with an election shall be punishable with fine which may extend to two hundred and fifty rupees.

78. 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 proceeding shall lie against any such person for damages in respect of any such act or omission as aforesaid.(3)The persons to whom this section applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, 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.

79. Removal of ballot papers from polling station to be an offence.

(1)Any person who, at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of 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, that search shall be made by another woman with strict regard to decency.(3)Any ballot paper found upon the person arrested no 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.

80. Other offences and penalties therefor.

- No person at an election shall-(a)fraudulently deface or fraudulently destroy any nomination paper; or(b)fraudulently deface, destroy or remove any lists, 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 in to any ballot box anything other than the ballot paper which he is authorized by law to put in; or(f)without due authority destroy, take, open or otherwise interfere with any ballot box or ballot papers then in use for the purposes of the election; or(g)fraudulently or without due authority, as the case may be, attempt to do any of the foregoing acts or wilfully aid or abet the doing of any such acts.(2)Any person who contravenes the provisions of sub-section (1) shall-(a)if he is a returning officer or an assistant returning officer or a presiding officer at a polling

station or any other officer or clerk employed on 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.

81. Prosecution regarding certain election offences.

- No Court shall take cognizance of any offence punishable under section 73 or section 7' or under clause (a) of sub-section (2) of section 80 except on a complaint in writing made by order of or under authority from the Government.

82. Disqualification of persons convicted of election offences.

- Every person convicted of an offence punishable under any of the provisions of sections 67 to 80 of this Act 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 or co-opted as a councillor to which this Act applies or from holding the office of councillor for a period of five years from the date of his conviction.

Requisitioning of Property for Election Purposes

83. Requisitioning of premises, vehicles, etc., for election purposes.

(1)If it appears to the 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 Government may, by order in writing, requisition such premises, or such vehicle, vessel or animal, as the case may be, and may make such further orders as may appear to them to be necessary or expedient in connection with the requisitioning:Provided that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until 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 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.

84. Payment of compensation.

(1)Whenever in pursuance of section 85 the Government requisition any premises, there shall be paid by the corporation to the person interested, compensation the amount of which shall be determined by the 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 Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960) apply shall be the fair rent payable for the premises under that Act;(ii)if in consequence of their requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:Provided that where any person interested, being aggrieved by the amount of compensation at determined, makes an application to the 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 in this behalf by the Government may determine:Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Government to an arbitrator appointed in this behalf by the 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 85 immediately before the requisition or where no person was in such actual possession, the owner of such premises.(2)Whenever in pursuance of section 83, the Government requisition any vehicle, vessel or animal, there shall be paid by the corporation to the owner thereof compensation the amount of which shall determined by the 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 vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application to the 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 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 Government in this behalf may decide.

85. Power to obtain information.

- The Government may, with a view to requisitioning any property under section 83, or determining the compensation payable under section 84 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.

86. Powers of entry into, and inspection of, premises, etc.

(1) Any person authorized in this behalf by the 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 83 should be made in relation to such premises, vehicle, vessel, or animal or with a view to securing compliance with any order made under that section. (2) In this section, the expression "premises" and "vehicle" shall have the same meaning as in section 83.

87. Eviction from requisitioned premises.

(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 83 may be summarily evicted from the premises by any officer empowered by the Government in this behalf. (2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

88. Release of premises from requisition.

(1) When any premises requisitioned under section 83 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 Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the 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 whom possession of any premises requisitioned under section 83 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 Government shall cause a notice declaring that such premises are released from requisition to be affixed in some conspicuous part of such premises and publish the notice in the Tamil Nadu Government Gazette. (3) When a notice referred to in sub-section (2) is published in the Tamil Nadu Government 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 Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.

89. Delegation of function of the Government with regard to requisitioning.

- The Government may, by notification, direct that any powers conferred or any duty imposed on the Government by any of the provisions of sections 83 to 88 shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer or class of officers as may be so specified.

90. Penalty for contravention of any order of requisitioning.

- If any person contravenes any order made under section 83 or section 85, 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 and Establishment Property

91. 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.

92. Acquisition of property and interests therein.

- Subject to the provisions of section 99, the Commissioner may, for the purpose 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 standing committee fixing terms, rates of maximum prices for a particular case or for any class of cases; (b) the sanction of the 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 (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.

93. Disposal of property and interests therein.

(1) Subject to the provisions of section 99, the Commissioner may, lease or dispose by sale or exchange of any corporation movable property the value of which does not exceed five thousand rupees in each instance, and of any corporation immovable property the value of which does not exceed ten thousand rupees, 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 standing committee within fifteen days. (2) With the sanction of the standing committee, the Commissioner may lease or dispose by sale or exchange of any corporation movable 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 exceeds ten thousand rupees, but does not exceed twenty

thousand rupees or grant for any term not exceeding three years a lease of any corporation immovable property, or 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 thousand rupees.(4)The sanction of the standing committee under sub-section (2) or that of the council under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.(5)The Commissioner may lend or let out on hire any corporation movable property on such condition and for such periods as may be specified in regulations made by the standing committee in that behalf.

94. 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 (Central Act of 1894) and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the corporation.

95. Objects not provided for by this Act.

- The 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 Government.Contracts

96. Power 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.

97. [Powers of municipal authorities to sanction estimates. [Substituted by Tamil Nadu Municipal Corporations Laws (Amendment) Ordinance, 2008.]

- The powers of the different municipal authorities to sanction estimates shall be as follows:-(a)when the amount of estimate does not exceed five lakhs of rupees, the sanction of the concerned wards committee shall be required;(b)when the amount of estimate exceeds five lakhs 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 twenty lakhs of rupees, the sanction of the Mayor shall be required;(d)when the amount of estimate exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees, the sanction of the concerned standing committee (other than the standing committee on taxation and finance) shall be

required;(e)when the amount of estimate exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the standing committee on taxation and finance shall be required;(f)when the amount of estimate exceeds fifty lakhs of rupees but does not exceed one crore of rupees, the sanction of the council shall be required;(g)when the amount of estimate exceeds one crore of rupees, the sanction of the Government shall be required.

98. Works costing more than twenty lakhs of rupees.

(1)Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds twenty 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 twenty lakhs of rupees but does not exceed thirty lakhs of rupees;(ii)before the standing committee on taxation and finance, if the entire estimated cost exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees;(iii)before the council, if the entire estimated cost exceeds fifty 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 subject 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 one crore of rupees, the same shall be submitted to the Government.(b)The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government.(c)No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government.]

99. General provisions regarding contracts.

(1)The council may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Act.(2)[Every contract on behalf of the corporation shall be made by the Commissioner subject to the following provisions, namely:-] [Substituted by Tamil Nadu Municipal Corporations Laws (Amendment) Ordinance, 2008.](a)no contract the estimated cost of which does not exceed five lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the concerned wards committee;(b)any contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the commissioner;(c)no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the Mayor;(d)no contract the estimated cost of which exceeds twenty lakhs of rupees but does not exceed thirty 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);(e)no contract the estimated cost of which exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the commissioner unless it has been sanctioned by the standing committee on taxation and finance;(f)no contract the estimated cost of which exceeds fifty lakhs of rupees but does not exceeds one crore of rupees shall be made by the commissioner unless it has been sanctioned by the council;(g)no contract the estimated cost of which exceeds one crore of

rupees shall be made by the commissioner unless it has been sanctioned by the Government;(h)every contract the estimated cost of which exceeds ten 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 percentum on the expenditure involved in the original contract.(4)The power conferred by this section to make or sanction contract shall be subject to such rules as maybe prescribed in regard to the conditions; on which and the mode in which contracts may be made or sanctioned by or on behalf of the council.

100. 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 supply of any materials or goods which will involve an expenditure exceeding one 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 paid 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:Provided further that individual dealer or firm may be exempted from executing such contracts after the Commissioner has recorded in writing his reasons therefor.(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 or of two members of the standing committee and the Commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.(3)No contract executed otherwise than as provided in this, section shall be binding on the corporation.

101. [Invitation of tenders. [Substituted by Tamil Nadu Act 3 of 1997.]

- 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 five 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 provisions of section 101 and the rules made thereunder, accept the tender after the following procedure as may be prescribed.]

102. 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 99, section 100, or section 101 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

103. Security for performance of contracts.

- Subject to such rules as may be made by the Government in this behalf, 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

104. Corporation establishment.

(1) In addition to the officers appointed under sub-section (2) of section 11, the corporation establishment shall consist of the following classes of officers, namely:-

Class I ... All heads of departments in the corporation other than officers appointed under sub-section (2) of section 11.

Class II ... All officers appointed to assist Class I officers.

Class III ... All other (not being persons holding posts in a service classified by the Government as a basic service) appointed to serve under the corporation.

Class IV ... All persons holding posts in a service classified by the Government as a basic service.

(2)(a) Every appointment to any post included in Class I shall be made by the Government. (b) Every appointment to any post included in Class II shall be made by the council and shall be subject to confirmation by the Government. ... (c) Every appointment to any post included in Class III or Class IV shall be made by the appointments committee consisting of the Mayor, the Commissioner and one member elected by the council, which shall be established for the corporation.

105. Emergency powers of Commissioner.

- Notwithstanding anything contained in this Act, the Commissioner may, in case of emergency, appoint temporarily such officers and servants as may, in his opinion, be required for the purposes of this Act and the employment of whom for any particular work has not been prohibited by any resolution of the council, and every appointment made shall be reported by the Commissioner to the appointments committee at its next meeting.

106. Conditions of service of corporation establishment.

(1) Save as otherwise provided in this Act, the classification, methods of recruitment, conditions of service, pay and allowance, and discipline and conduct of the corporation establishment shall be regulated by rules made by Government in this behalf and such rules may provide for matters relating to the constitution of appeals committee for entertaining appeals in respect of any penalty imposed upon any member of the corporation establishment and other matters connected therewith: Provided that any Class I or Class II officer may be removed from office by the Government: Provided further that -(i) the amount of any salary, leave and leave allowances,

allowances for house rent, carriage hire, travelling expenses or any other allowances, gratuity or pension granted under the said rules shall, in no case, 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, superannuation or retirement is sanctioned shall not be more favourable than those for the time being prescribed for such Government servants. (2) The Government may - (a) recover from the corporation the whole or such proportion of the salary and allowances paid to any Class I officer and such contribution towards his leave allowances, pension and provident fund as the Government may, by general or special order, determine; (b) at any time, withdraw any Class I officer and appoint another in his place. (3) Notwithstanding anything contained in section 104, but, subject to such rules as may be made by the Government under sub-section (1), the Commissioner may censure, fine, withhold promotion from, reduce, suspend, remove or dismiss any Class III or IV officer or other employee of the corporation except Class I and II officers for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct. (4) No officer or other employee of the corporation establishment 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 taken 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 conduct 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 to 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. (5) If any question arises whether it is reasonably practicable to give to any person any opportunity of showing cause under sub-section (4) 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. (6) 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.

107. Time within which vacancy in certain posts must be filled up.

(1) If a vacancy occurs in any post included in Class II or any new post in the said class is created, the council shall, within three months, appoint any qualified and suitable person to hold such post. (2) If the Government refuse 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 Government may appoint a person who in their opinion is qualified and suitable to hold the post 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 post temporarily and assign him such salary as it may think fit.

108. Leave, pensionary and leave contribution of certain officers.

(1) If any Class I or Class II officer is a civil or military officer in the service of the Government and if any other officer or servant serving or having served 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 the ; Government service to which he belongs and in force for the time being and the corporation shall make such contribution towards 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 superannuation 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 rules framed by the Government. Provided that- (a) the amount of such leave and leave allowances, allowances for house rent, carriage hire, travelling expenses or any other allowances, gratuity or pension shall, in no case, 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, superannuation or retirement is sanctioned shall not be more favourable than those for the time being prescribed for such Government servants.

109. Power of Government to appoint special health officer.

- In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any infectious disease within the City, the Government, if they consider immediate action is necessary, may of their own motion appoint a special health officer wholly or partly at the expense of the municipal fund: Provided that- (a) the duration of the special health 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.

110. Establishment schedule.

(1) The Commissioner shall lay before the appointments committee a schedule setting forth the designations and grades of the officers other than Class 1 officers and servants who should in his opinion constitute the corporation establishment. (2) The appointments committee 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 appointments committee 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 appointments committee thereon shall be placed before the council. The council may either approve, reject or modify the amendments aforesaid. (5) No new post in the corporation establishment the maximum monthly salary which exceeds eight hundred rupees shall be created by the council without the sanction of the Government.

111. Power to grant leave to establishment.

(1)The authority competent to grant leave to the officers and servants of the corporation other than the Deputy Commissioner, the Personal Assistant to the Commissioner or any Class I Officer shall be Commissioner. I(2)In the case of the Deputy Commissioner, the Personal Assistant to the Commissioner, Class I of officers, leave may be granted by the Government.

112. Commissioner control corporation establishment.

- Subject to the provisions of this Act and the rules, the Commissioner shall prescribe the duties of the corporation establishment and exercise supervision and control over their acts and proceedings.

113. Provincialisation of any class of officers or servants under the corporation.

- Notwithstanding anything contained in this Act, the Government may, by notification, constitute any class of officers or servants of the corporation into a civil service for the State of Tamil Nadu.

113A. [Teachers (including headmasters) and other persons employed in connection with the corporation schools to be Government servants.

[Inserted by Tamil Nadu Act 65 of 1986, w.e.f. 1-6-1986.]

(1)Notwithstanding anything contained in this Act, or in any other law for the time being in force, on and from the 1st June 1986,-(a)all teachers (including headmasters), and(b)all officers and servants of the corporation,employed in connection with the corporation schools shall become whole-time Government servants.(2)Notwithstanding anything contained in this Act and subject to the provisions of article 311 of the Constitution, the Government may make rules regulating the conditions of service of the teachers (including headmasters) and other persons referred to in sub-section (1).]

114. [Power of Government to transfer officers and servants of the corporation or municipalities. [Substituted by Tamil Nadu Act 32 of 1985.]

- Notwithstanding anything contained in this Act or in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Government shall have power-(a)to transfer any officer or servant of the corporation to the service of the municipal corporation of [Chennai] constituted under the [Chennai] [Substituted for the word 'Madras' by Tamil Nadu Act 28 of 1996.] City Municipal Corporations Act, 1919 (Tamil Nadu Act 14 of 1919) 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 any municipality constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or to transfer any officer or servant of any such municipality or the municipal

corporation of [Chennai] [Substituted for the word 'Madras' by Tamil Nadu Act 28 of 1996.] or the municipal corporation of Maduari or any other municipal corporation that may be constituted under any law to the service of the corporation;(b)to issue such general or special directions as they may think necessary for the purpose of giving due effect to any transfer made under clause (a).(2)The Government shall have power to issue such general or special directions as they may deem necessary for the purpose of giving effect to any transfer made under sub-section (1).]

Chapter V

Taxation General

115. Enumeration of ordinary taxes and duties.

- The council may levy,-(a)a property tax;(b)a profession tax;(c)a tax on carriages and animals;(d)a tax on carts;(e)a tax on advertisements other than advertisements published in the newspapers; and(f)a duty on certain transfer of property in the form of surcharge on stamp duty.

116. Powers of control of Government.

- Any resolution of the council determining to levy a tax shall specify the rate at which and the date from which any such tax shall be levied:Provided that before passing a resolution imposing a tax for the first time or increasing the rate of an existing tax, the council shall publish a notice in at least one Tamil newspaper and on the notice board of the municipal office and in such other places within the City as may be specified by the council and by beat of drum, of its intention, fix a reasonable period not being less than one month for submission of objections and consider the objections, if any, received within the period specified:Provided further that any resolution abolishing an existing tax or reducing the rate at which a tax is levied shall be immediately reported to the Government and in cases where there is any outstanding loan due from the corporation to the Central or to any such State Government or to the public or to any other local authority, such abolition or reduction shall not be carried into effect without the sanction of the Government:Provided also that, where any resolution under this section has taken effect for a particular half-year, no proposal to alter the rates or date fixed in such resolution so far as that half-year is concerned shall, without the sanction of, or direction from, the Government be taken into consideration by the council.

117. Continuance of the levy of pilgrim tax.

- If the tax mentioned in section 79 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) was immediately before the commencement of the Constitution, being lawfully levied by the council of the Madurai Municipality such tax may continue to be levied by the council of Madurai Corporation on persons travelling by railway from any station notified under section 163 in or near the City:Provided that no portion of the proceeds of any such tax shall be expended for purposes other than making arrangements for the health and comfort of the pilgrims or the improvement or development of the City.

118. Notification of new taxes.

- When the council shall have determined subject to the provisions of sections 115 to 117 to levy any tax for the first time or at a new rate, the Commissioner shall forthwith publish a notification in the District Gazette and by beat of drum specifying the rate at which, the date from which and the period, if any, for which such tax shall be levied.

119. Saving for certain provisions of the Constitution.

- Nothing in this Chapter shall authorize the council to levy any tax which the State Legislature has no power to impose in the State under the Constitution: Provided that any such tax which, immediately before the commencement of the Constitution, was being lawfully levied by council may continue to be levied until provisions to the contrary is made by Parliament by law. The Property Tax The Tamil Nadu Municipal Laws (Second Amendment) Act, 1997 (Tamil Nadu Act 65 of 1997) as amended by the Tamil Nadu Municipal Laws 1 (Amendment) Act, 1998 (Tamil Nadu Act 34 of 1998) which are not incorporated in the principal Act, since date of coming into force of the said Act has not been so far notified. As on date, the following sections are only in force.

120. Description of property tax.

(1) If the council by resolution determines that a property tax for general purposes shall be levied, such tax shall be levied on all buildings and lands within the City save those exempted by or under this Act or any other law. (2) Save as otherwise provided in this Act, the property tax shall be levied at such percentage of the annual value of buildings, or lands which are occupied by, or adjacent and appurtenant to buildings or both, as may be fixed by the council subject to the provisions of section 116: Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than fifteen and a half per cent or greater than thirty five 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: 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. (4) (a) Save as otherwise provided in clause (b), the council shall, in the case of lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to buildings, levy the property tax on the capital value of such lands at such percentages as it may fix which shall not exceed six per cent of their capital value; (b) In the case of railway lands, which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to buildings, the council shall levy property tax on the annual value of such lands at such percentages which shall not exceed seventeen and one-third per cent of their annual value and the Government shall have power make rules regarding the manner in which the person or persons by whom and the intervals at which the annual value of such lands shall be estimated or revised and they may also by such rules, restrict or modify the application of the provisions contained in Schedule II to such lands. (5) (a) The council shall, in the case of lands used exclusively for agricultural purposes, levy property tax at such proportions as it may fix, of the annual value of such lands calculated in the manner specified in clause (b): Provided that the proportion shall not exceed the maximum, if any, fixed by the Government. (b) (i) In the case of lands held direct from Government on ryotwari tenure

or on lease or licence, the assessment, lease amount, royalty or other sum payable to Government for the lands together with any water-rate which may be payable for their irrigation, shall be taken to be the annual value;(ii)In the case of lands held on any tenure other than ryotwari tenure, the annual rent payable to the landholder, sub-landholder or any other intermediate landholder holding on an under tenure created, continued or recognized by a landholder or sub-landholder, as the case may be, by his tenants together with any water-rate which may be payable for their irrigation, shall be taken to be the annual value; and where such lands are occupied by the owner himself or by any person holding the same from him free of rent or at a favourable rent, the annual value shall be calculated according to the rates of rents usually paid by occupancy ryots for ryoti lands in the neighbourhood with similar advantages, together with any water-rate which may be payable for the irrigation of the lands so occupied;(iii)In the case of lands, the assessment of rent of which is paid in kind, the annual value shall be calculated according to the rates of rent established or paid for neighbouring lands of a similar description and quality, together with any water-rate which may be payable for the irrigation of the lands first mentioned;(c)If such lands be occupied by tenants, the council shall levy the taxes in equal shares, from the landholder and the tenant respectively;(d)Subject to any rules which the Government may make in this behalf, the Commissioner shall have the power to require the staff of the Land Revenue Department to collect the taxes due to the council in respect of such lands on payment of such remuneration not exceeding five per cent of the gross sum collected as the District Collector having jurisdiction over the City of Madurai may, by general or special order, determine.

121. Method of assessment of property tax.

(1)Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.(2)The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year less a deduction, in the case of buildings, of ten per cent of that portion of such annual rent which is attributable to the buildings alone, apart from their sites and the adjacent lands occupied as an appurtenance thereto; and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever:Provided that -(a)in the case of-(i)any Central or State Government or railway building; or(ii)any building of a class not ordinarily let the gross annual value of which cannot, in the opinion of the Commissioner, be estimated,the annual value of the premises shall be deemed to be six per centum of the total of the estimated market value of the land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall, in no case, be less than ten per cent of such costs;(b)in calculating the value of any land or building, the value of any plant or machinery, on such land or in such building shall be excluded, but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued, subject in the case of a lift to such deduction from the valuation as may be prescribed by the council on account of the cost of repairs to maintenance of, and attendance on, such lift:Provided further that where the annual value of any land or building is attributable partly 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 the property tax thereon shall

be ascertained as if such land, building or portion is not used for the display of such advertisement or advertisements.(3)The Government shall have power to make rules regarding the manner in which, the person or by persons by whom and the intervals at which, the value of the land, the present cost of erecting the building and the amount to be deducted for depreciation, shall be estimated or revised, in any case or class of cases to which clause (a) of the proviso to sub-section (2) applies, and they may, by such rules, restrict or modify the application of the provisions contained in Schedule II to such case or class of cases.

122. General exemption from property tax.

- 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 purposes;(b)choultries for the occupation of which no rent is charged and choultries the rent charged for the occupation of which is used exclusively for charitable purposes;(c)[Buildings used for educational purpose including hostels attached thereto and places used for the charitable purpose] [Substituted by Tamil Nadu Act 42 of 1994.] 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 XXIV 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 hospitals 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 Government, but not including residential quarters thereto;(g)burial and burning grounds included in the book kept in a municipal office under section 404;(h)any building or land the annual value of which is less than one hundred and nineteen rupees provided that the owner thereof not liable to profession tax or income-tax and provided further that no other building or land is owned by him or the aggregate annual value of all the buildings and lands owned by him is less than one hundred and nineteen rupees;(i)the bed of any river or canal or any river or canal belonging to Government and which do not provide any income to Government or any Government land set apart for recreation purposes or any other Government property being neither building nor land from which in the opinion of the Government any income could not be derived, as may, from time to time, notified by the Government:Provided that nothing contained in clauses (a), (c) and (e) shall be deemed to exempt from property tax and building or land for which rent payable by the person or persons using the same for the purposes referred to in the said clauses.

123. Special exemptions and alternative bases of property tax.

- The rates of property tax fixed by the council may be proportionate the value of each building or land or may advance in systematic progress, with the value of the building or land, but shall, in no case, decrease as value of the building or land, increases. When a progressive rate has been adopted

by the council, it shall prescribe the principles of classification (as that a certain sum which shall be tax free shall be deducted from the assessment of each building or land or that the progression shall be from 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 Government, exempt any local area, from the whole or a portion of such tax on fa ground that such area is not deriving any or the full benefit from the water-supply and drainage or from the lighting system.(b) in the case of any land which is not appurtenant to any building or which is occupied by or appurtenant to huts, fa Commissioner may assess the land or premises, as the case may be, with reference to extent in lieu of annual value and at sod rates as he may himself determine subject to the maximum rupees twenty-four per ground of land measuring thirty-six square metres.

124. Property tax, a first charge on property and movable.

- 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.

125. Property tax when payable.

- The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule II, be paid by the owner of the assessed premises within fifteen days after the commencement of the half-year.

126. Vacancy remission.

(1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for ninety 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. (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; (ii) if remission is sought in respect of the half-year succeeding that in which the notice as 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.

127. 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 executed, 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 the title passes, as the case may be, shall if so required, be bound to produce before the Commissioner, any document evidencing the transfer or succession. (4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall in addition to any other liability which he may incur through such neglect continue to be 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 - (a) the liability of the transferee for the payment of the said tax; or (b) the prior claim of the corporation under section 124.

128. Owners obligation to give notice of construction or re-construction or demolition of building.

(1) (a) If any building in the City is constructed or reconstructed, 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-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only for that half-year; (c) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (a), be entitled to a remission of so much not exceeding a half of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding such date. (2) (a) If any building in 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 the half-year; (c) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much, not exceeding a half, of the tax payable in respect of the building only for that half-year as is proportionate to the number of days in that half-year succeeding the demolition or destruction, as the case may be.

129. 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—(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 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 that half-year as is proportionate to the number of days in that half-year succeeding such date. (3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the Commissioner within three months from the date of the exclusion of the area in which the building or land is situated.

130. Power of Commissioner to condone omission to give notice.

- The Commissioner may, at his discretion, condone omission to give notice under section 126, 127 or 128 or any application under section 129, giving his reasons in writing for every such condonation.

131. Commissioners 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 within thirty days after the service of the notice where the notice is served upon the Government, a railway administration or a company and within fifteen 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 of the land and with such other information as the Commissioner may require, 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. (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. Profession Tax

132. to 140.

Sections 132 to 140 repealed by section 31 of Tamil Nadu Act 24 of 1992. Tax on Carriages and Animals

141. General provisions regarding tax on carriages and animals.

(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 Schedule II.(2)The rates of the tax shall be determined by the council, provided always that they shall not exceed the maximum laid down in Schedule II.

142. 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 within the City for an aggregate period of not less than sixty days in the half-year.(2)If such aggregate period exceeds fifteen days, but is less than sixty days, a moiety only of the half-yearly tax shall be leviable.(3)If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.(4)Every person having possession, custody or control of any taxable carriage or animal within the City shall, until the contrary is shown, be presumed to have kept the same within the City for sixty days in the half-year.(5)Notwithstanding anything contained in sub-sections (1) and (2), no person shall be liable - (a)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; or (b)to taxation on account of any carriage or animal in respect of which tax has already been paid to any other local authority or cantonment authority, whether under this Act or any other [Tamil Nadu Act or the Cantonments Act, 1924 (Central Act II of 1924)] [This Act has been repealed and re-enacted as the Cantonment Act, 2003.], more than the excess, if any, of the tax payable in the City in respect of such carriage or animal over the tax already paid to the other local authority or cantonment authority.

143. Exemption from carriage and animal tax.

- The carriage and animal tax shall not be levied on - (a)carriages and animals belonging to the Government;(b)carriages and animals belonging to members of the police or to officers or servants of the corporation employed on out-door duties, provided that the exemption under this clause shall extend only to a carriage or animal 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-makers during the whole of the half-year.(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.

144. Composition.

- With the sanction of the council or in accordance with regulations framed by the body, the Commissioner may compound, for any period not exceeding one year, with any livery stable-keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

145. Requisition on occupier to furnish statement of persons liable to tax.

(1)The Commissioner may by 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.

146. 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 such 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.

147. Grant of licence on payment of tax.

- When any person pays the amount of tax due in 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.

148. Power to require numbers to be affixed to carriage.

(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.

149. Registration and control of taxable carriages or animals.

(1)The Government may by rules made in this behalf-(a)require the registration, by the registration authority appointed by the Commissioner in this behalf, of any taxable carriage or animal kept within the City;(b)prescribe the form to be used and the conditions to be complied with in the making of application for the registration of such carriage or animal and the procedure in the matter of such application;(c)prescribe the period within which and the authority to which an appeal may be preferred by any person aggrieved by any decision of the registration authority refusing to register any such carriage or animal and the procedure to be followed in presenting and disposing of any such appeal;(d)require that a metal token to be issued by the registration authority shall be

attached to every registered carriage or animal;(e)require that any taxable carriage or animal which has not been registered or to which such token is not attached shall, if found in any public place, be detained at a place set apart for the purpose;(f)provide that any such carriage or animal shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week; and(g)fix the fees which shall be payable for such registration, appeal and metal token and such detention.(2)No damage shall be payable in respect of any carriage or animal destroyed or otherwise disposed of under this section.

Tax on Carts

150. General provisions regarding cart tax.

- If the council by a resolution determines that a tax shall be levied on carts, the Commissioner shall levy the said tax half-yearly at the rate 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 116 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.

151. Registration of carts.

- Every owner of any cart shall register it once in every half-year in the municipal office.(2)The Commissioner may direct that a municipal number shall be affixed to every registered cart.(3)The Commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.(4)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.(5)Such books shall be opened to the inspection of any tax-payer at all reasonable times without charge.

152. Exemption.

- Nothing in section 150 shall apply to,-(a)gun carriages, ordinance carts or wagons or other such property of the Government or the Central Government; and(b)carts kept solely for sale by cart-makers and dealers.

153. 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 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 cart-makers during the whole of the half-year.

Power to Seize Carriages and Carts not Bearing Numbers

154. Seizure of vehicles not bearing numbers.

- If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 148 or section 151, 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 or cycle-rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

155. Procedure after seizure.

(1) If a vehicle or animal is detained under section 154, 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-(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 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. Taxes Leviable Under Sections 141 And 150

156. Prepayment of municipal tax condition precedent to registration under Tamil Nadu Act V of 1911.

- Where the Tamil Nadu Hackney Carriage Act, 1911 (Tamil Nadu Act V of 1911) is in force in any area of the City, the person appointed to perform the functions of the Commissioner or Deputy Commissioner under the said Act in respect of such area shall, before registering any hackney carriage under, satisfy himself that the council has received payment of the tax, if any, due under section 141 or section 150, as the case may be, on account the last preceding half-year and the current half-year and that the provisions the rules, if any, made under section 149 have been complied with. Tax on Advertisements

157. Tax on advertisements.

- Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited fixed, retained or displayed to public view, a tax calculated at such rates [having regard to the location, size, reach and nature of the advertisement] [Inserted by Tamil Nadu Act 53 of 1998.] and in such manner and subject to such exemptions as the council may, with the approval

of the Government, by the resolution determine: Provided that the rates shall be subject to the maxima and the minima laid down by the Government in this behalf and in any case such rate of tax [shall not exceed rupees five hundred per square metre per half-year] [Substituted by Tamil Nadu Act 51 of 1998.]: 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 council; or (c) of a candidature in respect of such an election: Provided also that no such tax shall be levied on advertisement which is not a sky, sign and which -(a) is exhibited within the window of any building; or (b) relates to the trade or business carried on, within the land or building upon or over which such advertisement is exhibited, or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same; or (c) relates to the name of the land or building upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or (d) relates to the business of any railway administration; or (e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

Explanation I. - The word "structure" in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

Explanation II. - The expression "sky-sign" shall, in this section, mean any advertisement supported on or attached to any post, pole, standard, framework 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, framework or other support. The expression "sky-sign" shall also include any balloon, parachute or other similar device employed wholly or in part for the purposes of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include -(a) any flagstaff, pole, vane or weather-cock, unless adopted or used; wholly or in part for the purpose 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 shall be of one continuous face and not open work, and does not extend in height more than one metre above any part of the wall, or parapet, or ridge to, against or on, which it is fixed or supported; or (c) any advertisement relating to the name of the land or building, upon or over which the advertisement is exhibited, or to the name of the owner or occupier of such land or building; or (d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway administration, and so placed that it cannot fall into any street or public place; or (e) any notice of land or building to be sold, or let placed upon such land or building.

Explanation III. - "Public place" shall, for the purposes of this section, mean any place which is open to the use and enjoyment of the public, either it is actually used or enjoyed by the public or not.

Explanation IV. - In this Chapter, the expression "advertisement" shall not include any advertisement published in any newspaper.

158. Prohibition of advertisements without written permission of Commissioner.

(1) No advertisement shall, after the levy of the tax under section 157 has been determined upon by the council, be erected, exhibited, fixed or winned 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 (31) of section 433; or(ii)the tax, if any, due in respect of the advertisement has not been paid; or(iii)the erection, exhibition, fixation or retention of the advertisement is an offence under the Tamil Nadu Open Places (Prevention of the Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959).(3)Subject to the provisions of sub-section (2), in the case of an advertisement liable to the advertisement tax, the Commissioner shall grant permission for the period to which the payment of tax relates and no fee shall be charged in respect of such permission:Provided that the provisions of this section shall not apply to any advertisement erected, exhibited, fixed or retained on the premises of a railway administration relating to the business of a railway administration.

159. Permission of the Commissioner to become void in certain cases.

- The permission granted under section 158 shall become void in the following cases, namely:-(a)if the advertisement contravenes any by-law made by the council under clause (31) of section 433 or the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959);(b)if any addition to the advertisement be made except for the purpose of making it secure under the direction of the engineer for general purposes;(c)if any material change be made in the advertisement or any part thereof;(d)if the advertisement or any part thereof falls otherwise than through accident;(e)if any addition or alteration be made to, or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed, or retained if such addition or alteration involves the 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.

160. 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 157 or section 158 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.

161. Removal of unauthorised advertisements.

- If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of section 157 or section 158 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.

162. Collection of tax on advertisements.

- The Commissioner may farm out the collection of any tax on advertisement leviable under section 157 for any period not exceeding one year at a time on such terms and conditions as may be provided for by bye-laws made under section 433.

163. Levy of pilgrim tax.

(1) Where the City of Madurai resorted to by pilgrims and the occasions for pilgrimage occur at intervals of years or only once or twice in a single year, a tax on persons leaving the said City or its neighbourhood by railway, shall be levied only for a specified period in respect of each such occasion. Where occasions for pilgrimage are more frequent or the said City is a place of pilgrimage of perennial resort, the tax may be levied throughout the year. (2) The occasion and the period of levy of the tax shall, in consultation with the railway administration and with the previous approval of the Government, be determined by the council. (3) The tax shall be collected from the date and during the period specified in the notification published in this behalf as a surcharge on the tickets of all passengers travelling by railway from any one of the railway stations in or near the City of Madurai and named in such notification to any other railway station more than a specified distance therefrom. (4) The rates at which the tax shall be levied on each class of tickets shall be determined by the council, but shall not exceed the rates in the following table:-

(1)	Tax	
	For limited periods	Throughout the year
	(2)	(3)
	Rs.P.	Rs.P.
For air-conditioned or first-class tickets	0 50	0 25
For third-class tickets	0 25	0 12
For third-class tickets	0 12	0 06

Provided that the rates leviable on season tickets, if any, shall be determined by the council in consultation with the railway administration but shall not for a period of one month or any less period exceed six times the rates given in column (2) of the above table. (5) The Government may make rules not inconsistent with this Act for regulating-(i) the collection of the tax; (ii) the payment thereof to the council concerned; (iii) the deduction of any expenses incurred by railway administration in the collection thereof; and (iv) the decision of disputes between the council and other local authorities including Cantonments and between the council and railway administration in matters connected with the levy collection or apportionment of the tax: Provided that rules relating to the decision of disputes shall not have effect in relation to a dispute to which the cantonment authority, or the port authority of a major port, or the administration of any railway as defined in clause (2) of Article 366 of the Constitution, is a party, unless the rules are made with the concurrence of the Central Government. Duty on Transfers of Property

164. Method of assessment of duty on transfers of property.

- The duty on transfer of property shall be levied-(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 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 Government not exceeding five per cent, on the amount specified below against such instrument:-

Description of instrument (1)	Amount on which duty should be levied (2)
(i) Sale of immovable property	The market value of the property as set forth in the instrument or as determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), as the case may be.
(ii) Exchange of immovable property	The market value of the property of the greater value as set forth in the instrument or as determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), as the case may be.
(iii) Gift of immovable property	The market value of the property/ property asset set forth in the instrument or as determined by any authority under section 47-A of the Indian Stamp Act, 1899 (Central Act II of 1899), as the case may be.
(iv) Mortgage with possession of immovable property	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

165. Provisions applicable on the introduction of transfer duty.

- On the introduction of the transfer duty-(a)section 27 of the said Stamp Act shall be read as if it specifically required the particulars to be set forth separately in respect of property situated within the limits of the City and outside such limits;(b)section 64 of the same Act shall be read as if it referred to the corporation as well as the Central Government and the Government.

166. Power to make rules regarding collection of transfer duty.

- The 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.

167. Power to exempt from taxes.

- With the sanction of the Government, the council may exempt any person or class of persons 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 councillor.

168. Power to assess in case of escape from assessment.

- Notwithstanding anything to the contrary contained in this Act or the rules made thereunder, if for any reason, any, person liable to pay any of the taxes or fees leviable under this Chapter has escaped assessment in any half-year or year or has been assessed in any half-year or year at a rate lower than the rate at which he is assessable, or in the case of property tax has not been duly assessed in any half-year or year consequent on the building or land concerned having escaped proper determination of its annual value, the Commissioner may, at any time, within six years from the date on which such person should have been assessed, serve on such person a notice assessing him to the tax or fee due and 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.

169. Application of Schedule II.

- The rules and tables embodied in Schedule II shall be read as part of this Chapter.[Chapter V-A]
[Inserted by Tamil Nadu Act 59 of 1998.] Tax on Profession, Trade, Calling and Employment

169A. 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 employment 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 officers who is responsible for disbursement of such salary and includes the head of the office or any establishment as well as the Manager or Agent of the employer; (c) "half-year" shall be from the 1st day of April to the 30th day of September and from the 1st day of October to the 31st day of March of a year; (d) "month" means a calendar month; (e) "person" means any person who is engaged actively or otherwise in any profession, trade, calling or employment in the State of Tamil Nadu and includes a Hindu undivided family, firm, company, corporation or other corporate body, any society, club, body of persons or association, so engaged, but does not include any person employed on a casual basis; (f) "tax" means the tax on profession, trade, calling and employment levied under this Chapter;

169B. 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:-

SI. No.	Average half-yearly income	Half-yearly tax
(1)	(2)	(3)
	From	To
1.	Up to Rs. 21,000	... Nil
2.	Rs. 21,001	Rs. 30,000 Rs. 60
3.	Rs. 30,001	Rs. 45,000 Rs. 150
4.	Rs. 45,001	Rs. 60,000 Rs. 300
5.	Rs. 60,001	Rs. 75,000 Rs. 450
6.	Rs. 75,001 and above	... Rs. 600

(3) The rates 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] [This Act was repealed and re-enacted as the Cantonment Act, 2003.] (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 prays 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 associations: Provided that such director, partner or member shall be liable to pay tax under this Chapter for the income derived from other sources. (8) Every person who is liable to pay tax, other than a person earning 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 his returns to, or correspondence with, the Commissioner;(ii)quote such number in all challans 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.

169C. Employer's 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.

169D. 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.

169E. Assessment of the employer.

(1)The Commissioner, if satisfied that any return filed by any employer under sub-section (1) of section 169-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 169-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 his judgement 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.

169F. Penalty and interest.

(1) In addition to the tax assessed under sub-section (11) of section 169-B or sub-section (2) of section 169-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.

169G. 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 Appeal 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.

169H. Exemptions.

- Nothing contained in this Chapter shall apply to, - (a) the members of the Armed Forces of the Union serving in any part of this State, to whom the provisions of the Army Act, 1950 (Central Act XLVI of 1950), the Air Force Act, 1950 (Central Act XLVI of 1950) or the Navy Act, 1957 (Central Act LXII 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 a Civil Surgeon.

169I. 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 1st day of April 1992 and ending with the 30th day of September 1998 for the levy and collection of such tax for the said period where the tax due under that Act has not been paid for the said period.(4)The provisions of this Chapter, other than the rates of tax specified in sub-section (2) of section 169-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 the 1992 Act shall be paid in six equal half-yearly instalments in such manner and within such period as may be prescribed.

Chapter VI

Finance the Municipal Fund

170. Definition of municipal fund.

- All moneys 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 the provisions of this Act or other laws.

171. Audit of accounts.

- The Government shall appoint auditors of the accounts of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

172. 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 III shall be observed.

173. Contributions to expenditure by other local authorities.

(1)If the expenditure incurred by the Government or by any local authority in the State of Tamil Nadu for any purpose authorized by or under Schedule III is such as to benefit the inhabitants of the City, the council may make a contribution towards such expenditure.(2)The Government may direct the council to show cause, within a period fixed by the Government in this behalf and not being less 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 Government, the Government may direct it to make such contribution as they shall name and it shall be paid accordingly.Loans

174. 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, fees and dues authorized by or under this Act, any sums of money which may be required -(a)for the construction of works; or(b)for the acquisition of lands and buildings; or(c)for slum clearance and construction of tenements; or(d)to pay off any debt due to the Government; or(e)to repay a loan previously raised under this Act or other Act previously in force:Provided that -(i)no loan shall be raised without the previous sanction of the Government; and(ii)the amount of the loan, the rate of interest and the terms including the date of floatation, the time and method of repayments and the like shall be subject to the approval of the Government.(2)When any sum of money has been borrowed under sub-section (1)-(a)no portion thereof shall, without the previous sanction of the Government, be applied to any purpose other than that for which it was borrowed, and(b)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.

175. Time for repayment of money borrowed under section 174.

- The time for the repayment of any money borrowed under section 174 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 Government, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

176. 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 repayment of any sums borrowed otherwise shall not, except with the express sanction of the Government, exceed twelve and a half per cent of the annual value of buildings and lands as determined under Chapter V

177. 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 Government, may determine, and shall be transferable in such manner as shall be therein expressed and the right to sue in respect of the moneys 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.

178. 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 (Central Act IX of 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.

179. 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.

180. Maintenance and investment of sinking funds.

(1) The corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as will be sufficient for the repayment 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 by the Commissioner in—(a) securities of the Government or the Central Government; or (b) securities guaranteed by the Government or the Central Government; (c) any municipal debenture of Tamil Nadu, and shall be invested in the joint names of the Secretary to the Government of Tamil Nadu, Finance Department and the Examiner of Local Fund Accounts, Tamil Nadu to be held by them as trustees for the purpose of repaying at due date the debentures issued by the corporation. 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 Tamil Nadu Municipal debentures, or is applied in paying off any part of a loan before the period fixed for repayment, 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.

181. Application of sinking fund.

- The aforesaid trustees may, apply a sinking fund or any part thereof in or 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 183, 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.

182. 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 180;(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 181 in or towards discharging loans.(2)Every such statement shall be laid before the council and published.

183. 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 20...) 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 Government.(3)The period for the extinction of any such consolidated loan shall not, without the sanction of the 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 180 having regard to the amount transferred to such sinking fund under section 181.

184. Priority of payments for interest and repayment 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 fro in the corporation.

185. 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 date of commencement of this Act, or any interest or cost due in respect thereof, be not repaid according to the conditions of the loan, the 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 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 interests 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

due to the Government. Budget

186. 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 1st January of 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 20th 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 10 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: 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 10 per cent of the total amount at credit in the General Account - Revenue of the corporation is considered necessary, then, the previous approval of the 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.

187. 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 finalised by the standing committee on taxation and finance on or before the said date.

188. Procedure of council.

- The council may refer the budget estimate back to the standing committee on taxation and finance for further consideration and re-submission within a specified time well in advance of the due date specified in section 186, 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 that 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 186: 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 187 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.

189. 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 relate and forthwith submit a copy thereof to the Government. If the budget as submitted to the Government fails to make adequate and suitable provisions for each of the matters referred to in clauses (a) to (c) of sub-section (2) of section 136, the Government may modify any part of the budget so as to ensure that such provisions are made.

190. 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 189 and if such failure is, in the opinion of the Government not due to any valid reason, then, the 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 Government who shall scrutinize the budget and intimate their approval to the Commissioner on or before the first day of April of the year.

191. Council may pass supplemental budget.

- The council may, on the recommendation of the standing committee on taxation and finance, from time to 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 under General Account-Revenue at the close of the year shall be reduced below one lakh and fifty thousand rupees.

192. Reduction or transfer of budget grants.

(1) The standing committee on taxation and finance 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 any such reduction or transfer, to all the requirements of this Act; (ii) the aggregate sum of the budget grants contained in the budget estimates adopted by the

council shall not be increased except by the council under section 191;(iii)every such reduction or transfer shall be brought to the notice of the council at its next meeting.(2)If any such reduction or transfer is of an amount exceeding rupees five hundred, the council may pass with regard thereto such orders as it thinks fit, and it shall be incumbent on the standing committee on taxation and finance and the Commissioner to give effect to the said order.

193. Re-adjustment of income and expenditure to be made by the corporation during the course of official year whenever necessary.

(1)If it shall at any time during any year appear, to the council, upon the representation of the standing committee on taxation and finance that, notwithstanding any reduction of budget grants that may have been made under section 192, 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 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 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.Finance Commission

193A. [Constitution of Finance Commission. [Heading and section 193-A was inserted by Tamil Nadu Act 26 of 1994.]

(1)The Finance Commission referred to in Article 243-1 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 Government and the corporation of the net proceeds of the taxes, duties, tolls and fees leviable by the Government which may be divided between them and the allocation between the corporations 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;(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.]

Chapter VII

Public Health, Safety and Convenience, Water-Supply, Lighting and Drainage Public Water-Supply

194. Vesting of works in corporation.

- All public reservoirs, tanks, cisterns, form tanks, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in the Government) connected with the supply of water to the City whether made at the cost of the corporation or otherwise, and all bridges, buildings, engines, works, materials and other things connected therewith and all lands (not being private property or property vested in the Government), adjacent and appertaining to the same, shall vest in the corporation and be subject to its control.

195. Construction of water works.

(1)The corporation may, with the sanction of the Government, construct, lay or erect filtering tanks, reservoirs, engines, conduits, pipes or other works without the limits of the City for supplying it with water and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.(2)The corporation may cause existing works for the supply of water to be maintained and supplied with water or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

196. Provision of gratuitous supply of drinking water.

(1)The corporation shall provide a supply of wholesome drinking water within the City and shall erect sufficient stand-pipes, fountains or other conveniences for the gratuitous supply of water.(2)The corporation shall, as far as possible, make adequate provision that such supply is continuous throughout the year.

197. Trespass on water-supply premises.

- It shall not be lawful for any person except with permission duly obtained to enter on land vested in the corporation along which a conduit or pipe runs or on any premises connected with the water-supply.

198. Prohibition of building over water-mains.

(1)Without the permission of the Commissioner, no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water-main.(2)If any building, wall or other structure be so erected or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as shall appear fit to him and the expenses thereby incurred shall be paid by the

person offending. Private Water-Supply

199. Control over house connections.

- All house connections, whether within or without the premises to which they belong, with the corporations water-supply mains shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expenses of the owner of the premises to which they belong, or for the use of which they were constructed and in conformity with by-laws made in that behalf.

200. Private water-supply for domestic consumption and use and powers of Commissioner to enforce provision of water-supply.

(1)The Commissioner may, on application by the owner or occupier of any building arrange, in accordance with the by-laws, to supply water thereto for domestic consumption and use: Provided that the Commissioner shall not, without the sanction of the standing committee, agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees. (2) Whenever it appears to the Commissioner that any dwelling house assessed at an annual value of not less than one hundred and twenty rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than thirty metres distance from any part of such building, the Commissioner may, by notice, require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws. (3) It shall not be lawful for the owner for any dwelling house assessed at an annual value of not less than one hundred and twenty rupees which may be constructed or re-constructed after the commencement of this Ad, to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the Commissioner to be sufficient for domestic consumption and use of the inmates of the house. (4) Where on any land there are two or more super-structures the annual value of each of which is less than one hundred and twenty rupees and the owner of the land is not the owner of all the super-structures, the Commissioner may, if it appears to him that the super-structures are without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than thirty metres distant from any part of any such superstructure, by notice, require the owner of the land to obtain such supply. (5) For all water supplied under this section, in excess of a maximum determined by regulations of the standing committee, payment shall be made at such times and under such conditions as may be laid down in such regulations and shall be recoverable in the same manner as the property tax. Explanation. - Supply of water for domestic consumption-and use shall not be deemed to include a supply -(a) for any trade, manufacture or business; (b) for gardens or for purposes of irrigation; (c) for building purposes; (d) for fountains, swimming baths, public baths, or tanks or for any ornamental or mechanical purpose; (e) for animals, where they are kept for sale or hire or for the sale of their produce or any preparation therefrom; or (f) for washing vehicles where they are kept for sale or hire, but shall be deemed to include a supply -(i) for flushing latrines or drains; (ii) for all baths other than swimming baths or public baths; (iii) for the consumption and use of inmates of hotels, lodging houses and residential clubs and for baths used

by such inmates; or(iv)for the consumption and use of persons resorting to theatres and cinemas.Private Water-Supply for Non-Domestic Purposes

201. Commissioner's power to supply water for non-domestic purposes at rates fixed by the standing committee.

(1)The Commissioner may, with the sanction of the standing committee, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quantity likely to be consumed.(2)For all water supplied under sub-section (1), payment shall be made at such rates and such conditions shall be imposed as may be laid down by the standing committee by general or special order and the amount shall be recoverable in the same manner as the property tax.Supply in Special Cases

202. Supply of water to local authorities.

- The corporation may supply any water to other local authority, whether within or without the City, on such terms as to payment and as to the period and conditions of supply as shall be determined by the council, subject to appeal in respect of such terms to the Government, whose decision shall be final.Cost Of Making The Connection, Etc.

203. Cost of making house connection and of metre.

- Where an owner or occupier applies for a connection for the supply of water, he shall pay the cost of making such connection as well as the cost of the metre, if any, and the charge for fixing.(2)Where a connection for the supply of water is made at the instance of the Commissioner, he may require the owner or occupier concerned to pay-(a)the cost of making the connection;(b)the cost of the metre, if any, or such rent in respect thereof as may be fixed by the council; and(c)the charge for fixing the metre, if any.(3)Where, at the instance of the Commissioner a metre is fixed to any connection for the supply of water, he may require the owner or occupier concerned to pay -(a)the cost of the metre or such rent in respect thereof as may be fixed by the council; and(b)the charge for fixing the metre.(4)All sums payable under sub-section (1), sub-section (2) or sub-section (3) shall be recoverable in the same manner as the property tax.(5)Where an occupier has paid the cost of a metre or of fixing the same, he shall, unless the metre has been fixed as part of a connection for which he has applied be entitled to recover such cost from the owner and may deduct it from the rent then or thereafter due by him to the owner.Cutting Off Water-Supply

204. Power to cut off water-supply.

(1)The Commissioner may cut off the supply of corporation water from any premises -(a)if the premises are unoccupied;(b)if a metre is not fixed to the service connection of the premises in accordance with the provisions of the by-laws made by the council under section 433;(c)if the owner or occupier neglects to comply with any lawful order or requisition regarding water-supply issued by the Commissioner within the period specified therein;(d)if any property tax or any sum due for

water or for the cost of making a connection or the cost of hire of a metre or the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act is not paid within fifteen days after a bill for such tax or sum has been presented;(e)if after receipt of notice from the Commissioner requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;(f)if the owner or occupier wilfully or negligently damages his metre or any pipe or tap conveying corporation water;(g)if the occupier refuses to admit the Commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water-supply or prevents the Commissioner doing such work, placing or removing such apparatus or making such examination or inquiry;(h)if any pipes, taps, works, or fittings connected with the corporation water-supply are found on examination by the Commissioner to be out of repair to such an extent as to cause waste or contamination of water;(i)if the owner or occupier causes pipes, taps, works or fittings connected with the corporation water-supply to be placed removed, repaired or otherwise interfered with in violation of the by-laws:Provided that in cases falling under clauses (f), (g) and (h) except in case of contamination of water or in cases falling under clause (i), the Commissioner shall not take action unless notice of not less than twenty-four hours has been given to the" owner or occupier of the premises.(2)(a)The owner and the occupier of the premises shall be jointly and severally liable for the payment of all sums referred to in clause (d) of sub-section (1), except property tax.(b)The sums referred to in clause (a) shall be a charge on the premises.(3)The expenses of cutting off the supply shall be paid by the owner and occupier of the premises jointly and severally.(4)In cases falling under clause (d) of sub-section (1), as soon as any money for non-payment of which water has been cut off together with the expense of cutting off the supply, has been paid by the owner or occupier, the Commissioner shall cause water to be supplied as before on payment of rupees ten for reconnecting the premises with the corporation water main.(5)No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

205. Non-liability of corporation when supply reduced or not made in certain cases.

- The corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, or other unavoidable cause or accident, or the necessity for relaying or re-pairing pipes.Lighting

206. 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

207. Vesting of drains in corporation.

- All public drains, pipes and drainage works existing at the date of commencement of this Act or afterwards made at the cost of the corporation or otherwise, and all works, materials and things as pertaining thereto shall vest in the corporation.

208. 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. Private Drainage

209. Control over house-drains, privies and cess-pools.

- All house-drains whether within or without the premises to which they belong, and all private latrines, and cess-pools within the City shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, at the expenses of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with by-laws framed by the council in this behalf.

210. Connection of house-drains with public drains.

(1)The Commissioner shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the by-laws for the connection, if practicable, of the applicant's drain with a public drain at the applicant's expense.(2)If there is a public drain or other place set apart by the corporation for the discharge of the drainage within a distance not exceeding thirty metres of the nearest point of any premises or if within such distance, a public drain or other place for the discharge of drainage is about to be provided or is in the process of construction, the Commissioner may -(a)by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place and to execute all such works as may be necessary in accordance with the by-laws at such owners expense; or(b)cause to be constructed a drain leading from the said premises to such public drain or place and cause to be executed all such works as may be necessary:Provided that -(i)not less than fifteen days before constructing any drain or executing any work under clause (b), the Commissioner shall give notice to the owner of the nature of the intended work and the estimated expenses recoverable from the owner; and(ii)the expenses incurred by the Commissioner in constructing any drain or executing any work under clause (b) shall be recoverable from the owner in such instalments as the standing committee may think fit and in the same manner as the property tax.(3)If any premises are in the opinion of the Commissioner without sufficient means of effectual drainage, but no part thereof is situated within thirty metres of a public drain or other place set apart by the corporation for the discharge of drainage, the Commissioner may, by notice, direct the owner of the said premises to construct a closed cess-pool or other sewage disposal plant of such material, dimensions and description, in such position and at such level as the Commissioner thinks necessary and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the by-laws.(4)It shall not be

lawful for the owner of any building constructed or re-constructed after the commencement of this Act to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that the said building is provided with such means of drainage as appear to the Commissioner to be sufficient.

211. Commissioner's power to drain premises in combination.

(1)When the Commissioner is of opinion that any group or block of premises any, part of which is situate within thirty metres of a public drain, already existing or about to be provided or in the process of construction, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises, to be drained by such method as appears to the Commissioner to be best suited therefor and the expenses incurred by the Commissioner in so doing shall be paid by the owners in such proportions as the standing committee may think fit and shall be recoverable in the same manner as the property tax.(2)Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of-(a)the nature of the intended work;(b)the estimated expenses thereof; and(c)the proportion of such expenses, payable by each owner.(3)The owners, for the time being of the several premises constituting a group or block drained under sub-section (1), shall be the joint owners of every drain constructed erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the Commissioner under subsection (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

212. Commissioner's power to close or limit the use of existing private drains.

(1)Where a drain connecting any premises with a public drain or other place set apart by the corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the City, or of the part of the City in which such drain is situated, the Commissioner, with the approval of the standing committee concerned, may -(a)subject To the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or(b)direct that such drain shall, from such date as he fixes in this behalf, be used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the corporation an entirely distinct drain either for water unpolluted with sewage or for sewage.(2)No drain may be closed, discontinued or destroyed by the Commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the Commissioner and of any work done shall be paid by the corporation.

213. Building, etc., not to be erected without permission, over drains.

(1) Without the permission of the Commissioner, no person shall place or construct any fence, building, culvert, pipe, drain, drain-covering or other structure or any street, railway or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with a public drain, whether it passes through public or private ground. (2) The Commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 479.

214. 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-covering over the side channels or ditches at the entrances to the said building or land. (2) Such culverts or drain-covering shall be 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.

215. 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 thence forward 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

216. 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.

217. Licensing of public latrines.

(1) The Commissioner may licence 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

218. 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.(2)Every owner or occupier of the ground on which any block of huts stands 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.

219. Provision of latrines and urinals for labourers.

- Every person employing workmen, labourers or other persons exceeding ten in number shall provide and maintain for the separate use of persons of each sex so employed 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.

220. Provision of latrines and urinals for markets, cart-stand and cattle-sheds.

- The Commissioner may, by notice, require any owner or manager of a market, cart-stand, cattle-shed, choultry, theatre, railway station, dock, wharf, cinema-house 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 flush-out or other latrines of such description, and number on and in such position as may be specified and to keep the same clean and in proper order.

221. Latrines to be screened from view.

- All 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

222. 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 or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the City and may place and maintain posts, poles, standards, brackets or other contrivances to support cables, pipes, channels, wires and lights on any pole or post in the City not vested in the Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same:Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:Provided further that the Commissioner shall, with the sanction of the standing committee, pay compensation to any person who sustains damage by the exercise of such power.

223. 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 or with the house connection of any other person. (2) The Commissioner may, by notice, require any connection made in contravention of sub-section (1), to be demolished, removed, closed, altered or remade.

224. Power to require railway level, etc., to be raised or lowered.

- If the corporation conduits 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 Government and with the concurrence of the Central Government and at the cost of the municipal fund, require, the railway administration to raise or lower the level thereof.

225. 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 Government. (2) The corporation may, in the execution and for the purposes of any works beyond the limits of the City sanctioned by the Government whether before or after the date of commencement of this Act, exercise all the powers which it may exercise, within the City throughout the line of country through which conduits, channels, pipes, lines or posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the City is derived, and over all lands at a distance not exceeding two kilometres beyond the high water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the City.

Chapter VIII

Sanitation

226. 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, vehicles and vessels referred to in sub-section (1) from becoming sources of nuisance.

227. Public notice ordering deposit of rubbish and filth by owner or occupier.

(1)The Commissioner may, with the previous sanction of the 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 229 has been entered into, shall be collected by 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 to which is situated within fifty metres, of any such receptacle shall be collected by the owner or occupier of such premises and deposited in such receptacles.

228. 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 227, 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 226; or(b)after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulating 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 standing committee, be specified in the notice issued under clause (a).

229. 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.

230. 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 accumulating of all places provided or appointed by him under section 226 for the

temporary deposit of any of the things specified therein; and(ii)all things deposited by owners or occupiers of premises in pursuance of any notice issued under section 229.

231. Right of property of corporation in things deposited in receptacles.

- All things deposited in, depots or places provided or appointed under section 226 shall be the property of the corporation.

232. Powers of Commissioner to regulate access to land or building abutting public streets.

- In cases not provided for by any notice issued under section 228, the Commissioner shall, with the sanction of the 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.

233. 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.

234. Prohibition against accumulation of rubbish or filth on premises.

(1)No person who is bound by any notice issued under section 227 or section 228, as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same so as to accumulate for more than twenty-four hours.(2)No person shall, deposit any rubbish or filth otherwise than as provided in a notice issued under section 227 or section 228, as the case may be.(3)No person shall after due provision has been made under section 226 and 230 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 or 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.(4)No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a 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 cleansing of any latrine on, or belonging to, the premises.(5)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 in down on, or to, or be put upon, any street, or into any drain in or alongside of any street except in such a manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of

the said drain.

235. Contribution 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 any large gathering of people 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 interest of public health, safety or convenience and require the trustee or other person foaming control over such place to make such recurring or nonrecurring contribution to the funds of the corporation as the Government may determine.

Chapter IX

Streets Public Streets

236. Vesting of public streets and their appurtenances in corporation.

(1)All public streets including tunnels, sub-ways and fly-overs in the City not reserved under the control of the Government or the Central Government, with the pavements, stones, and other materials thereof, and all works, materials, implements and other things provided for such streets including all sewers, drains, streetlights, drainage works, tunnels and culverts, whether made at the cost of the municipal fund or otherwise in, alongside, or under any street, whether public or private, and all 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 Government may, by notification, withdraw any such street, sewer, drain, street light, drainage work, sub-way, fly-over, tunnel, culvert or tree from the control of the corporation.

237. Maintenance and repair of streets.

- The corporation shall cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

238. Powers of authorities in regard to streets.

(1)The Commissioner may subject always to such sanction as may be required under Chapter IV, - (a)lay out and make new public streets;(b)construct bridges and sub-ways;(c)turn, divert, or with the special sanction of the council and the Government permanently close any public street or part thereof;(d)widen, open, extend or otherwise improve any public street;(e)lay out and make new public streets in areas covered by huts.(2)Compensation shall be paid to the owners and occupiers of any lands or buildings which are acquired for or affected by any such purposes.(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.

239. Powers of Commissioner to regulate access to land or building abutting public streets.

- Subject to such regulations as may be made by the council, the Commissioner may regulate the means, the manner and extent of access to, and the purpose of use, of any land or building which may abut on any public street.

240. Powers to dispose of permanently closed streets.

(1)When any public street is permanently closed under section 238, the corporation may dispose of the site or so much thereof as is no longer required making 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.

241. Acquisition of lands and buildings for improvement of streets.

(1)The Commissioner may, subject always to such sanction as maybe 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;(b)any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the council may consider it expedient to acquire.(2)Any land or building acquired under clause (b) of sub-section (1), may be sold, leased or otherwise disposed of after public advertisement,and , any conveyance made for that purpose may comprise such conditions as the standing committee thinks fit as to the removal of the existing building,if any, the description of the new' building, if any, to be erected, the period within which the new buildings, if any, shall be completed and any other similar matters.(3)The 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.

242. Power to prescribe building line and street alignment.

- The 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 the Tamil Nadu Government 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: Provided that in respect of any public street maintained by the Highways and Rural Works Department of the Government, the council shall exercise the powers under this section in consultation with the said department.

243. 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 prescribed under section 242 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 - (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 standing committee. (2) If the Commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under section 242 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the corporation within three years after the date of such refusal, the corporation shall pay compensation to the owner of the site. (3) No person shall erect or add to any building between a street alignment and a building line prescribed under section 242 except with the permission of the Commissioner, who may when granting permission impose such condition as the standing committee may lay down for such cases.

244. Setting back projecting building or walls.

(1) When any building or part thereof abutting on a public street is within a street alignment prescribed under section 242, the Commissioner may, whenever it is proposed - (a) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic metre; or (b) to remove, re-construct or make any addition to any portion of such building which is within street alignment; in any order which he issues concerning the re-building, alteration or repair of such building, require such building to be set back to the street alignment. (2) When any building or any part thereof, within the street alignment falls down or is burnt down or is, whether by order of the 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 thereof 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 compensation to the owner for any direct damage which he may sustain thereby. Explanation. - The expression "direct damage" as used in sub-section (4) with reference to land means the market value of the land taken and its depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that

he intended to put the land, although such use may be injuriously affected by the reduction of the site.

245. Setting forward buildings 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 standing committee by notice require any building to be so set forward in the case of re-construction 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 requisitions to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

246. Projected street.

(1) The 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 not ordinarily be less than fifteen metres or in any area covered by huts, nine metres. (3) When any plan has been prepared under sub-section (1), the provisions of section 244 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

247. 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, water-supply, or lighting or any of the purposes specified in Schedule III: Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

248. Protection of appurtenances and materials of streets.

- It shall not be lawful for any person, without the permission of the Commissioner, to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

249. Power of the corporation to recover expenses caused by extraordinary traffic.

- When by a certificate of an officer of the Public Works Department of the Government of a rank not below that of an Executive Engineer it appears to the Commissioner that having regard to the average expense 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 or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section. Private Streets

250. Owners obligation to make a street when disposing of lands as building sites.

(1) If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, layout and make a street or streets giving access to the site or sites and connecting with an existing public or private street. (2) In regard to the laying out or making of any such street or streets, the provisions of section 251 shall apply, subject to the conditions that the owner shall remit a sum not exceeding 50 per cent of the estimated cost of layout improvements in the land and that the owner shall also reserve not exceeding 10 per cent of the layout for the common purposes in addition to the area provided for laying out streets. If any owner contravenes any of the conditions specified above, he shall be liable for prosecution. (3) If, in any case, the provisions of sub-sections (1) and (2) have not been complied with, the Commissioner may, by notice, require the defaulting owner to layout and make a street or streets, on such land and, in such manner and within such time as may be specified in the notice. (4) If such street or streets are not laid out and made in the manner and within the time specified in the notice, the Commissioner may layout and make the street or streets, and the expenses incurred shall be recovered from the defaulting owner. (5) The Commissioner may, in his discretion, issue the notice referred to in sub-section (3) or recover the expenses, referred to in sub-section (4) to or from the owners of any buildings or lands abutting on the street or streets concerned but any such owner shall be entitled to recover all reasonable expenses incurred by him or all expenses paid by him, as the case may be, from the defaulting owner referred to in sub-section (3).

251. 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; (c) the arrangements to be made for the levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving, and lighting the street; (d) the extent of each site and its usage; (e) the extent of open space around the building site allowed; and (f) the extent of open space allowed for public purpose. (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 thereon shall apply also in the case of streets referred to in sub-section (1), and all the particulars referred to in that sub-section shall be subject to approval by the Commissioner. (3) Within sixty days after the receipt of any application

under sub-section (1), the Commissioner shall, either sanction the making of the street on such conditions as he 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 Commissioner, likely to be made, for carrying out any general scheme of street improvement; or(ii)if the proposed street does not conform to the provisions of this 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 lay-out or make any new private street without or otherwise than in conformity with the orders of the Commissioner. If further information is asked for, no steps shall be taken to lay-out 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 Commissioner has received all the information which he considers necessary to enable him to deal finally with the said application.

252. Application of sections 242, 243 and 244 to private streets.

- The provisions of sections 242, 243 and 244 shall apply, so far as may be, to private streets including streets to be laid out and made under section 250 or section 251.

253. Alteration or demolition of street made in breach of section 251.

(1)If any person lays out or makes any street referred to in section 251, without or otherwise than in conformity with the orders of the 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(b)require the offender to appear before the Commissioner either personally or a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.(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.

254. 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 levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Commissioner, he may, by notice, require the owners of such street or part and the owners of the buildings and lands fronting or abutting on such street or part including in cases where the owners of the land and of the buildings f hereon 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 owners referred to in sub-section (1) in such proportions as may be settled by the Commissioner.

255. Power to declare private as public street.

(1) If any street has been levelled, paved, metalled, flagged, channelled, sewerage, drained, conserved and lighted under the provisions of section 254, such street shall, on the requisition of a majority of the owners referred to in sub-section (1) of that section, be declared as a public street. (2) The Commissioner shall publish every declaration made under sub-section (1) in the Madurai District Gazette. Encroachment on Streets

256. Prohibition against obstructions in streets.

- No one shall build any wall or erect any fence or other obstruction or projection or make any encroachments in or over any street or any public place the control of which is vested in the corporation except as hereinafter provided.

257. 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.

258. 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 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 prescriptive title 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 the period if any, for which the consent is valid has not expired, the corporation shall make compensation to every person who suffers damage by the removal or alteration of the same.

259. 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, sunshades, 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:(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 Superintendent of Police, Madurai or any officer authorised by him in this behalf, 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.(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 section 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 sub-section (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 479 from the person to whom the licence was granted.(5)The council shall have power to lease road sides and street margins vested in the corporation for occupation on such terms and conditions and for such period as it may deem fit:Provided that no such lease for any term exceeding three years shall be valid unless the sanction of the Government therefor shall have been first obtained:Provided further that the 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 Government may direct the council to cancel or modify the lease, and the council shall, thereupon, cancel or modify the lease accordingly.

260. Power of council to set up hoardings and levy fees.

- Subject to the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 (Tamil Nadu Act 2 of 1959) and section 157 to 162 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 places owned by or vested in the corporation and may permit any person to use any such hoardings, erection or thing on payment of such fee as may be prescribed by regulations made by the council in this behalf.Explanation I. - For the purposes of sections 160 and 161 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 the person who has been permitted to use any hoarding, erection or thing under this section shall be in addition to the advertisement tax payable by him under section 157 on advertisements exhibited by him on such hoarding, erection or thing.

261. 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 street, drain or premises to be sufficiently lighted or guarded during the night while under construction or repair.(3)The Commissioner shall, with all reasonable speed, cause the said work to be completed, the ground to be filled in, the said street, drain, or premises to be repaired and the rubbish occasioned thereby to be removed.

262. Prohibition against removal of bars and lights.

- No person shall, without lawful authority, remove any bar, chain, post, or shorting timber or remove or extinguish any light set up under section 261.

263. Making holes and causing obstructions.

(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 is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

264. Licence for work on building likely to cause obstruction.

- If any person intends to construct or demolish any building or to alter or repair the outward part thereof and if any street or footway is likely to be obstructed or 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.

265. Clearing of debris of fallen houses, etc., by occupiers.

- If any obstruction is caused in any street by the fall of trees, structures offences, 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 by notice allow, clear the street of such obstruction.[Naming or Numbering of Streets and Buildings, etc.] [Heading and marginal note were substituted by Tamil Nadu Act 30 of 1979.]

266. Naming or numbering of public streets and naming of municipal property, etc.

(1)With the approval of the Government the council shall give names or numbers to new public streets and shall also give names to [park, playground, bus-stand, arch or new municipal property] [Substituted by Tamil Nadu Act 30 of 1979.] and may subject to the approval of the Government alter the name or number of any [public street, park, playground, bus-stand, arch or municipal property.] [Substituted by Tamil Nadu Act 30 of 1979.](2)The Commissioner shall cause to be put

up or painted in Tamil and in English on conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, the name or number by which it is to be known.(3)No person shall without lawful authority destroy, pull down or deface any such name or number or put up any name or number different from that put up by order of the Commissioner.

267. Numbering of buildings.

(1)The Commissioner may cause a number to be affixed to the side of 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.

Chapter X

Building Regulations General Powers

268. Buildings rules.

(1)The Government may make rules -(a)for the regulation or restriction of the use or development of sites for building; and(b)for the regulation or restriction of building including the location, design, construction, its use for residence, commerce, trade, industry, recreation, culture and other purposes; and(c)for the regulation of erection, maintenance and safety of building.(2)Without prejudice to the generality of the power conferred by clause(a) of sub-section (1), rules made under that clause may provide -(a)that no insanitary or dangerous site shall be used for building; and(b)that no site shall be used for construction of a building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.(3)Without prejudice to the generality of the power conferred by clause (b) of sub-section (1), rules made under that clause may provide for the following matters, namely:-(a)information and plans to be submitted together with application for permission to build;(b)height of buildings whether absolute or relative to the width of streets;(c)level and width of foundation, level of lowest floor and stability of structure;(d)number and height of storeys composing a building and height of rooms;(e)provision of sufficient open space, external or internal, and adequate means of ventilation;(f)prohibition or restriction of the construction of buildings within such distance as may be specified from the boundary of any street;(g)provision of means of egress in case of fire;(h)provision of secondary means of access for the removal of house refuse;(i)materials and methods of construction of external and party walls, roofs and floors;(j)position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools;(k)paving of yards;(l)restrictions on the use of inflammable materials in building; and(m)in the case of wells, the dimensions of well, manner of enclosing it and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.(4)No piece of land shall be used as a site for construction of a 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: Provided that the Government may, with the consent of the council in respect of the whole area, or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of this Chapter or the said rules.

269. 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 its intention to declare - (a) that, in any street 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 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 a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the Commissioner. (2) No objection to any such declaration shall be received after a period of three months from the publication of such notice. (3) The council shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it, but not so as to extend its effect. (4) The 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.

270. 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 or 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) Subject to the provisions of sub-section (3) for any land so acquired, the corporation shall pay an amount which shall be the market value of such land on the date of acquisition. (3) In determining such an amount, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

271. Prohibition against use of inflammable materials for buildings, etc., without permission.

(1) No external roof, verandah, 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, verandah, 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. Buildings other than Huts

272. 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 (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. (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 bylaws.

273. 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 approved of the site on an application made under section 272.

274. Prohibition against commencement of work without permission.

(1) The construction or re-construction of a building shall not be begun unless and until the Commissioner has granted permission for the execution of the work. (2) While granting permission under sub-section (1), the Commissioner may specify in writing, the precautions to be observed with reference to the constructions or re-construction by the person making the application under sub-section (1) of section 272 and such person shall be responsible for the due observance of the precautions.

275. Period within which Commissioner is to signify approval or disapproval.

- Within thirty days after the receipt of any application made under section 272 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 to approve the site on one or more of these grounds mentioned in section 278.

276. Period within 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 272 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws the Commissioner shall, by written order, either grant such permission or refuse to grant such permission on one or more of the grounds mentioned in section 278 or section 279: Provided that the said period of thirty days shall not begin to run until the site has been approved under section 275.

277. Reference to standing committee if Commissioner delays grant or refusal of approval or permission.

(1) If within the period laid down in section 275 and section 276, 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, the 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 standing committee does not, within thirty days 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 rule or by-law made under this Act.

278. Grounds on which approval of site for, or permission to construct or reconstruct building may be refused.

- The only ground 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 specifications would contravene some specified provision of any law or some specified order, rule, declaration or by-laws made under any law; (2) that the application for such permission does not contain particulars or is not prepared under rules or by-laws; (3) that any of the documents referred to in section 272 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) the streets or roads have not been made as required by section 250; (6) that the proposed building would be an encroachment upon 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 3.5 metres wide at any part; (8) that the site is required for a public purpose under any law for the time being in force. Whenever the Commissioner or the standing committee refuses to approve the 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.

279.

Notwithstanding anything contained in this Chapter, if any street shown in the site plan is intended to be a private street, the Commissioner may, at his discretion, refuse to grant permission to construct a building, until the street is commenced or completed.

280. Lapse of permission if not acted upon within six months and completed within two years.

(1) If the construction or re-construction of a building is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until an

application has been made for the renewal of permission granted under this Chapter, and the provisions of sections 272 to 279 shall, so far as may be, apply to such application for renewal of permission.(2)If the construction or 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, it shall not be continued thereafter until an application has been made for the renewal of permission granted under this chapter and provisions of sections 272 to 279, shall, so far as may be, apply to such application for renewal of permission.

281. 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 128.

282. 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.(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.

283. Power of Commissioner to impose penalty in the case of unauthorised constructions or alterations.

- Notwithstanding any action taken under section 282 or section 442(1)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 under this Act the Commissioner may direct the owner of such building to pay by way of penalty a sum not exceeding fifty rupees for every half year or part thereof in respect of every nine square metres or part thereof covered by the portion or portions-of the building so constructed or altered, 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.

283A. [Exemption in respect of unauthorised construction or alteration of buildings. [Inserted by Tamil Nadu Act 14 of 2002.]

(1)Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government or any officer or authority authorised by the Government, by notification, in this behalf may, on application, by order, exempt any building or class of buildings constructed or altered unauthorisedly on or before the [31st day of December 2002] in the municipal area, from all or any of the provisions of this Act or any rule or regulation made thereunder, by collecting regularisation fee at such rate not exceeding twenty thousand rupees per square metre, as may be prescribed. Different rates may be prescribed for different classes of buildings and for different parts of the municipal area.(2)The application under sub-section (1) shall be made on or before the [31st day of December 2002] [Substituted for '31st day of July 2002' by Tamil Nadu Act 42 of 2002 with effect from 4-6-2002.] in such form containing such particulars and with such documents and such application fee, as may be prescribed.(3)Upon the issue of the order under sub-section (1), permission shall be deemed to have been granted under this Act for such construction or alteration of building.(4)Nothing contained in sub-section (1) shall apply to any application made by any person who does not have any right over the building referred to in subsection (1).(5)Save as otherwise provided in this section, the provisions of this Act, or other laws for the time being in force, and rules or regulations made thereunder, shall apply to the development of building referred to in subsection (1).(6)Any person aggrieved by any order passed under sub-section (1) by any officer or authority may prefer an appeal to the Government within thirty days from the date of receipt of the order.(7)The fee collected under this section shall be credited to Government account in such manner as may be prescribed.]

284. 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 contravenes any of the rules, regulations or by-laws framed under this Act, or endangers human life.

285. Sections 272 to 284 shall not apply to huts.

- In sections 272 to 284, the word 'building' does not include a hut.

286. 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.Wells

287. Applications of certain sections to wells.

- The provisions of sections 272, 273, 274, 280, 281, 282, 284 shall, so far as may be, apply to wells.Huts

288. Application to construct or re-construct huts.

(1)Every person who intends 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.

289. 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 work on an application sent to him under section 288.

290. 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 288 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 to grant such permission on one or more of the grounds, mentioned in section 292.

291. Reference to standing committee if Commissioner delays grant or refusal of permission.

(1)If within the period laid down in section 290 the Commissioner has neither granted nor refused to grant permission to construct or reconstruct a hut, the 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 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 rule or by-law made under this Act.

292. Grounds on which permission to construct 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:-(a)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;(b)that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;(c)that any information or plan required by the Commissioner under rules or by-laws has not been duly furnished;(d)that streets or roads have not been made as required by section 250;(e)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(f)that the proposed hut would be an encroachment upon Government or municipal land;(g)that the land on which the hut is to be constructed is required for a public purpose under any law for the time being in force.(2)Whenever the Commissioner or 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.

293. Lapse of permission if not acted upon within three months and completed within one year.

(1)If the construction or re-construction of any hut is not commenced within three months after the date on which permission was given to execute the work, the work shall not be commenced until an application has been made for the renewal of permission granted under this Chapter and the provisions of sections 288 to 292 shall, so far as may be, apply to such application for renewal of permission.(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, it shall not be continued thereafter until application has been made for the renewal of permission granted under this Chapter, and the provisions of sections 288 to 292 shall, so far as may be, apply to such application for renewal of permission.External Walls, Alterations and Additions

294. Maintenance of external walls in repair.

- The owner or occupier of any building adjoining a street shall keep the external part thereof in proper repair with lime-plaster or other material, to the satisfaction of the Commissioner.

295. Application of provisions to alterations and additions.

(1)The provisions of 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 purposes of this section.(2)If any question arises as to whether any addition or alteration is necessary repair not affecting the position or dimensions of a building or room, such question shall be referred to the standing committee, whose decision shall be final.

295A. [Provision of rain water harvesting structure. [Inserted by Tamil Nadu Act 32 of 2003 with effect from 19-7-2003.]

(1) In every 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, cause rain water harvesting structure to be provided in such building and recover the cost of such provision along with the incidental expenses thereof in the same manner as property tax. (4) Notwithstanding any action taken under sub-section (J), where the owner or occupier of the building fails to provide the rain water harvesting structure in the building before the date as may be prescribed, the water supply connection provided to such building shall be disconnected till rain water harvesting structure is provided.]

295AA. [Permission to construct swimming pool. [Inserted by Act No. 47 of 2012, dated 16.11.2012.]

(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner. (2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed. (3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed. (4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal. (5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day. (6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed. (7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 468, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool: Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer, - (i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools; (ii) not below the rank of Joint Director in the office of the Director of Collegiate

Education, in respect of swimming pools located in the premises of colleges and Universities.(8)For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.Explanation. - For the purpose of this section, "appointed day" means such date as the Government may, by notification, appoint under sub-section(2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.]Powers of Commissioner

296. Demolition or alteration of building or well-work unlawfully commenced, carried on or completed.

(1)If the Commissioner is satisfied-(i)that the construction or re-construction of any building or well-(a)has been commenced without obtaining the permission of the Commissioner or where an appeal or reference has been made to the standing committee, in contravention of any order passed by the standing committee; or(b)is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based; or(c)is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws; or(ii)that any alterations required by any notice issued under section 282 have not been duly made; or(iii)that any alteration 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 295, he may take a provisional order requiring the owner or the builder or the occupier 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 provisions of 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 or the occupier shall refrain from proceeding with, the building or well.(2)The Commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner or the occupier of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.(3)If the owner or the occupier fails to show cause to the satisfaction of the Commissioner, the Commissioner may confirm the order with any modifications he may think fit to make and such order shall then be binding on the owner or the occupier.

297. Power of Commissioner to direct removal of persons directing or carrying on construction of buildings, etc.

(1)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 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 in 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 re-construction, or any person

employed in the execution thereof in such building or well 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).

298. Exemptions.

- Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house" metre-house, summer-house (not being a dwelling-house), poultry house, or aviary, shall be exempted from the provisions of this Chapter other than section 271, provided the building be wholly detached from and situated at a distance of at least three metres from the nearest adjacent building.

Chapter XI Hutting Grounds

Preliminary

299. Power of standing committee to define and alter limits of hutting grounds.

- The standing committee may, subject to the approval of the council, decide whether any particular area is or is not a hutting ground as defined in clause (20) of section 2 and the decision of the standing committee shall, on such approval, be filial The standing committee may also, subject to the approval of the council, define the external limits of any hutting ground and from time to time, alter such limits.Improvement of Hutting Grounds

300. Power of Commissioner to require owner of hutting ground to carry out certain improvements.

(1)The Commissioner may, for sanitary reasons, require the owner or occupier of any hutting ground of which the total area as comprised within the limits defined under section 299 is less than one thousand four hundred and fifty square metres,-(a)to open and construct such passages, not exceeding 3.5 metres in width between the buildings or huts, and to provide such surface drains and latrines for the use of the tenants of the hutting ground, as the Commissioner may think necessary; and(b)to remove the whole or any portion of a hut provided that the owner or occupier 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 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 occupier of the hutting ground to show cause why the hutting ground should not be improved within a date to be fixed in

conformity with the said plan.(3)The provisions of sections 308, 309, 310, 315, 318, 319 and 322 shall, with all necessary modifications, be deemed to apply in the case of every requisition issued under sub-section (1).

301. Power of Commissioner to require preparation of standard plan by owner or occupier of hutting ground.

(1)The Commissioner may, at any time, if it appears to him that any hutting ground, for sanitary reasons, requires improvements, serve a notice upon the owner or occupier of such hutting ground requiring him to prepare and submit a plan of the hutting ground, to the scale of four metres to the centimetre, showing-(a)the manner in which the 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 hutting ground;(c)the beams of lighting, common water-supply, bathing arrangements, if any, and common privy accommodation to be provided for the use of the tenants;(d)the streets and passage which are to be 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 or occupiers of a hutting ground, the Commissioner may require them to prepare and submit a joint plan of the hutting ground.(2)The streets referred to in clause (d) of sub-section (1) shall be not less than five metres wide and ordinarily not more than sixty metres apart, and the passages referred to in that clause shall be not less than 3.5 metres wide.(3)If there is any masonry building within the limits of the 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 hutting ground.

302. Preparation of standard plan by Commissioner where owner or occupier disagree, etc.

(1)If, after the service of a notice under section 301, on the owner or occupier of any hutting ground-(a)such owner or occupier prefers for any reason to have a plan prepared for them by the Commissioner; or(b)such owner or occupier fails to comply within sixty days with such notice; or(c)such owner or occupier does not agree among themselves in the preparation of a plan as required by such notice,the Commissioner shall cause the 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 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 occupier of the hutting ground and the owner or occupier 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 hutting ground approved under sub-section (2) shall be deemed to be the standard plan of the hutting ground.(4)When the Commissioner causes a plan to be prepared under sub-section (1), he may charge the owner or occupier of the hutting ground therefor at a rate not exceeding two rupees per seven hundred and seventy square metres.

303. Suspension of building pending preparation of standard plan.

- When the owner or occupier of a hutting ground has been required under section 301 to prepare a plan, no new building or hut shall be erected and no addition shall be made to any building or hut in such hutting ground until a plan has been prepared and approved under that section or under section 302.

304. Prohibition of building contrary to standard plan.

- When a standard plan has been approved for any hutting ground under section 301 or section 302, no new building or hut shall be erected and no addition shall be made to any building or hut in such 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 building or hut.

305. Power of Commissioner to require removal of building or hut not in conformity with standard plan.

- When a standard plan has been approved for hutting ground under section 301 or section 302, the Commissioner may, at any time, by notice, require the owner or occupier of any buildings or hut in such 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 or occupier 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 or occupier elects to take these as the Commissioner may determine.

306. Power of Commissioner to require carrying out of other improvements in conformity with standard plan.

(1)The Commissioner may at any time, by notice require the owner or occupier of any hutting ground for which a standard plan has been prepared under section 301 or section 302,-(a)to construct the drains, 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 be practicable, having regard to the existing arrangement of the huts; and(b)if any tank, well or low land is shown in such plans 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 hutting ground.

307. Inspection report and preparation of standard plan by health officer and engineer in cases requiring expedition.

(1) If it appears to the Commissioner that any 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 their 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 occupier of the hutting ground, cause the 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 qualification 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 occupier of the hutting ground in this connection. (2) The said persons shall forthwith -(a) submit a written report on the sanitary condition of the hutting ground; (b) annex to the report a plan approved by them as a proper standard plan of such hutting ground; and (c) certify -(i) which of the improvements, required to bring the hutting ground into conformity with such plan should be taken in and forthwith in consequence of the unhealthy condition of the 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 building 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; (e) any other improvements which the two persons appointed under subsection (1) may consider necessary in order to remove or abate the unhealthy condition of the hutting ground; and (f) any masonry building within the 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 improvements. (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.

308. Approval by standing committee of standard plan and Schedules annexed to report.

(1) The standing committee shall consider every report together with the plan and Schedules A and B annexed thereto made under section 307 and after considering the objections, if any, of the owner or occupier of the hutting ground in respect of which the report has been made, and of any owner or occupier of any hut which is required to be demolished or altered and of the owner or occupier of any masonry building which is to be dealt with under sub-section (4) of section 307 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 such hutting ground.

309. Power of Commissioner to require owner or occupier to carry out improvements specified in Schedule A.

- When Schedule A annexed to a report made under section 307 has been approved under section 308, the Commissioner may cause a written notice to be served upon-(a)the owner or occupier of the building or hut referred to in such Schedule A; or(b)the owner or occupier of the 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.

310. Payment of expenses incurred in carrying out improvements.

- When any improvements required by a notice under section 309 are carried out by the Commissioner under section 472 all expenses incurred thereby, including such compensation as the Commissioner may think fit to pay to the owner or occupier of building or hut removed shall be paid by the owner of the hutting ground to the corporation and shall constitute a charge upon such hutting ground:Provided that notwithstanding anything contained in section 476, ;f it appears to the 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 standing committee, have been done by the owner or occupier of huts within the 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 occupier of the hutting ground, itsmay order the same or any portion thereof to be, advanced out of the municipal fund, but thereafter to constitute a charge upon such hutting ground.

311. Disposal by the Commissioner of materials of buildings or huts pulled down.

(1)If, in carrying out any improvements as provided in section 309, 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 310.(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 District Munsif shall be deemed to be a competent Court for the purpose of this section.

312. Power of standing committee to direct Commissioner to purchase or acquire buildings or land in hutting ground.

- The standing committee may, at any time after the receipt of a report made under section 307, direct the Commissioner to purchase or acquire -(a)any building within such 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 purchase any item of property mentioned above, if it does not exceed rupees one thousand in value.

313. Application of sections 304 to 306 to hutting ground for which standard plan has been approved under section 308.

- When a standard plan of a hutting ground and any Schedule B annexed to the report made under section 307 with respect to that hutting ground, have been approved under section 308 -(a)the provisions of section 304 shall apply to such hutting ground; and(b)the provisions of sections 305 and 306 shall apply to such hutting ground in respect of the improvements indicated in that Schedule as provided in sub-section (4) of section 307.

314. Alternative power of Commissioner to make standard plan, purchase or acquire hutting ground or to carry out improvements himself or through purchaser or lessee.

(1)Notwithstanding anything contained in sections 308 to 313, the standing committee may, after receipt of a report made under section 307 with respect to any hutting ground and after giving an opportunity of being heard to the owner or occupier thereof, pass a resolution to the effect that the hutting ground is an unhealthy area and that, in its opinion, the purchase or acquisition of the hutting ground, or any portion thereof is necessary for the purpose of making the improvements referred to in the said report.(2)When any such resolution has been passed, the Commissioner shall make a plan for the improvement of the said 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 hutting ground or portion, and such plan shall be deemed to be the standard plan of hutting ground.(3)When any hutting ground or portion of a hutting ground has been so purchased or acquired, the Commissioner shall, as soon as is reasonably(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 hutting ground or portion or any part of the same which has not been sold or leased under clause (a), into conformity with such standard plan; or(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 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 hutting ground or portion at such rates and on such terms and conditions as may be fixed by the standing committee if the standing committee considers that such right can be given without detriment to the carrying out the purposes of this Act. If more than one person so applies, the standing committee shall determine which of such persons shall have the preferential right under this sub-section to purchase or take on lease such hutting ground or portions (hereof).

315. Proportion of area of hutting ground to be shown in standard plan as streets, passages and open lands.

(1) No standard plan approved for a 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 hutting ground as streets or passage; or (b) one-half of such area 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.

316. Regulation of plots by standard plan and compensation for adjustments of plots.

(1) When the land included in a hutting ground is owned by more owners than one, each owing one or more separate plots of such land, the standard plan approved under this Chapter for such 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 lands as is specified in section 315. (2) If a greater proportion of any one such plot than the proportion specified in section 315 is so taken, such standard plan shall indicate-(i) the compensation which shall be payable to the owner of such plot; and (ii) the person 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 of any land in a hutting ground shall not be paid until such land has been brought into complete conformity with the standard plan.

317. Streets and passages shown in standard plan if not public streets to remain private.

(1) Every street or passage in a hutting ground which is shown in the standard plan approved under this Chapter for the 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 255 be decreed 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 312 shall remain the property of the corporation. (2) Every such private street shall, at all times, be kept open for sanitary 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 hutting ground: Provided that, notwithstanding anything contained in the Limitation Act, 1963 (Central Act 36 of 1963), 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 (33) of section 2.

318. Bathing arrangements and privy accommodation in hutting ground as shown in standard plan to be kept open for use of tenants.

- The bathing arrangements and privy accommodation in a hutting ground, which are shown in the standard plan approved under this Chapter for such hutting ground as being common to the use of all or some of the tenants of the hutting ground, shall, at all times, be kept available for the use of such tenants: Provided that notwithstanding anything contained in the Limitation Act, 1963 (Central Act 36 of 1963), if, at any time, the land on which any such bathing arrangements or privy accommodation are provided ceases to form part of such hutting ground, no such use shall, by reason of any lapse of time, be held to confer any right on any person so as to prejudicially affect the rights of the owner of such land.

319. Owner of land in hutting ground to maintain certain conveniences on his land.

(1) The owner of any land in a 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 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 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 section 318, the scavenging of streets and common privies shall be done by the corporation free of charge.;

320. 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 hutting ground, for which a standard plan has been approved under this Chapter, shall be deemed to be 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 hutting ground on such land so far as the same are constructed in accordance with the standard plan. (2) The owner of any building or hut in such 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.

321. Hutting ground when to be deemed a remodelled hutting ground.

- When a hutting ground has been brought into conformity with the standard plan approved under this Chapter for such hutting ground, it shall be deemed to be a remodelled hutting ground.

322. Power of owner to take land out of the category of hutting ground in certain cases.

(1)The owner of any land included in a hutting ground which bears a separate number in the assessment book may, at any time, whether a standard plan for the 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 standing committee under this Chapter, of a standard plan for such hutting ground.(2)From the date of such notice, no 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 hutting ground; or(ii)be shown in a standard plan approved for the hutting ground under this Chapter, as not being a part of such hutting ground:Provided that, if in the standard plan, any street or passage is shown on such land the provisions of sections 306,309,313,317,319 and 320 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, by 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 hutting ground have been removed under sub-section (3), the standing committee may either -(a)cancel the standard plan, if any, already approved under this Chapter, for such hutting ground; or(b)modify such plan, after hearing the objections, if any, of any owner of land included in such hutting ground.(7)Where any land, formerly included in 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 hutting ground.Hutting Ground Streets

323. Power of standing committee to prescribe alignments for hutting ground streets.

(1) In any 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 standing committee may, after considering the objections, if any, of any owner of land in such hutting ground or in such area, prescribe alignments, not more than five metres in width, for such private streets as it may think fit. (2) When the land within such 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 thirty metres 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 standing committee may fix: 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 317 shall, with all necessary modifications, be deemed to apply to every street the alignment for which has been prescribed under this section.

324. Power of Commissioner to require removal of existing huts within the street or hut alignment in hutting ground.

(1) In any 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 323; or (b) for buildings or huts, the Commissioner may, by notice require, the owner of the land or the owners or occupiers of the existing buildings or huts to remove such buildings or huts or portion thereof as follows: - (i) within any such prescribed street alignment; and (ii) within 1.5 metres 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 subsection (1), the corporation shall pay to the owner thereof such compensation as the standing committee may fix, but such compensation shall, in no case, exceed the value of the building or hut less the value of the materials thereof.

325. Power of Commissioner to require space to be kept between masonry building in hutting ground and centre line of hutting ground street.

- Any person who erects a masonry building - (a) in any hutting ground in respect of which a standard plan has been approved under section 301, 302 or 308; or (b) in any hutting ground or area in respect of which alignments for streets have been prescribed under section 323; shall, if so required by notice issued by the Commissioner, leave a clear space of 4.5 metres between the centre line of any street or passage showing 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.

326. 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 re-construction of buildings or huts in hutting grounds shall also be applicable to any alteration 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 the purposes of this section.(2)If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building, hut or room, such question shall be referred to the standing committee whose decision shall be final.

Chapter XII

Nuisances

Dangerous Structures, Trees and Places

327. Precaution in case of dangerous structures.

(1)If any 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 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 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 479.(3)If, in the Commissioner's opinion, the said 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.

328. Precaution in case of dangerous trees.

(1)If any tree or any branch of a tree or fruit of any tree be deemed by the Commissioner to be likely to fall and thereby 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 479.

329. Precautions in case of dangerous tanks, wells, holes, etc.

(1) 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 479.

330. Precautions against fire.

- The Commissioner may, by notice, require the owner of any structure, booth, or tent partly or entirely composed of, or having any external roof, verandah, pandal, fence or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such structure, booth, tent roof, verandah, pandal, fence, or wall or any 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 structure are insufficient to allow of safe exits in the event of fire, he may, with the sanction of the standing committee, by notice, require the owner or occupier of the structure to alter or re-construct any staircase in such manner or to provide such additional or emergency staircase as he may direct; and when any structure, booth or tent is used for purposes of public entertainment he may require subject to such sanction as aforesaid, that it shall be provided with an adequate number 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.

331. Prohibition of construction of wells, tanks, etc., without the Commissioner's permission.

(1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the Commissioner. (2) The Commissioner may grant permission subject to such conditions as he may deem necessary or may refuse it for reasons to be recorded by him. (3) If any such work is begun or completed without such permission, the Commissioner may, either-(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall direct; or (b) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

332. 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 therefor creates or is likely to create a nuisance, the Commissioner may, with the approval of the 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.

333. 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, hold, drain, cesspool, pit, water-course, or any collection of water; or (b) any land on which water may, at any time, accumulate, is, or is, likely to become, a breeding place of mosquitoes or in any other respect a nuisance, the 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 requisitions, the Commissioner, shall report such objection to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may, nevertheless, if he deems the execution of the work called for any such requisition to be of urgent importance, proceed in accordance with section 472 and pending the standing committee's disposal of the question whether the said well shall be permanently filled and, 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 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) Or 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 Government, by public notice, regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious: Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by such prohibition.

334. Power to order cleansing of insanitary private water-course, spring, tank, well, etc., used for drinking.

(1)The Commissioner may, by notice, require the owner of, or person having control over, any private water-course spring, tank, well or other place the water of which is used for drinking, 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 drinking, bathing 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.

335. 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 cleansed, drained, or filled up.

336. 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 public health.

337. Prohibition against contaminating water-supply.

- It shall not be lawful for any person to-(a)bathe in any tank, reservoir, conduit, fountain, well or in other place set apart by the corporation, or by the owner thereof, for drinking purposes;(b)wash or cause any animal or any vehicle such as lorry, bus and the like or thing to be washed in any such place;(c)throw, put or cause to enter into the water in any such place, any animal or any vehicle such as lorry, bus and the like or thing whereby the water may be fouled or corrupted; or(d)cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought therein to or do anything, whereby the water may be fouled or corrupted.Control Over Abandoned Lands, Untrimmed Hedges, Etc.

338. 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 the 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.

339. Removal of filth or noxious vegetation.

- The Commissioner may, by notice, require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood to cleans, or clear or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

340. 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 sifting, 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 or noise or otherwise, he may, by notice, require the owner or occupier of such building or land to take such steps as to any be specified in the notice for the abatement of such nuisance.

341. Fencing of buildings or lands and pruning 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;(b)trim or prime any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the Commissioner may determine; or(c)cut and trim any hedges and trees overhanging the said street and obstructing if 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

342. Lime washing and cleaning 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 said notice.

343. Further powers with reference to insanitary buildings.

(1)Whenever the Commissioner considers-(a)that any building or portions 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 or 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 building or at his option, the owners of the land occupied by such buildings, or portions of buildings to execute such works or to take such measures as he may deem necessary for the prevention of such danger.(2)No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require re-construction, in which cases the corporation shall make compensation to the owner thereof.(3)When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in 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.

344. 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 standing committee to prohibit the further use of such building for such purpose and the 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 standing committee withdraws the prohibitory order.(3)When such prohibitory order has remained in operation for three months, the Commissioner shall report the case to the standing committee which shall thereupon consider whether the building should not be demolished the 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 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 continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision to that effect, with the grounds of the decision, and the 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 work 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 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.

345. Abatement of overcrowding 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 overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such overcrowding, and the magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room within a reasonable time, not exceeding four weeks to be laid down in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper. (2) The standing committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room. (3) If any building or room referred to in sub-section (1) has been 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 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

346. 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 by virtue of his powers under this Chapter or under section 472, 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 with 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.

347. Limitation of compensation.

- No person shall be entitled, save as provided in sections 333 and 343, to compensation for any damages sustained by reason of any action taken by a municipal authority in pursuance of its powers under this Chapter.

Chapter XIII

Licences and Fees General Provisions as to Licences

348. Government and market committees not to obtain licences and permission.

- Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in occupation or under the control of the Government or the Central Government or of a market committee established or deemed to be established under the [Tamil Nadu Agricultural Produce Markets Act, 1959 (Tamil Nadu Act 23 of 1959)] [This Ad has been repealed and re-enacted as the Tamil Nadu Agricultural Procedure Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989).], or in respect of any property belonging to the Government or the Central Government or to such market committee. Food Establishments

349. Prohibition in respect of eating 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 eating house, tea-shop, coffee-house, cafe, restaurant, refreshment-room, or any place, where the public are admitted for the consumption of any food or drink or any place where food is sold or prepared for sale. (2) The Commissioner may, at any time, cancel or suspend any licence granted under a 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 under section 433 relating to such premises whether or not the licensee is prosecuted under this Act. Keeping of Animals or Birds

350. Prohibition in respect of keeping animals 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 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 any filth of animal which is kept for dairy purposes or may be used for food.

351. Destruction of stray pig, dog and monkey.

- Any-(a) dog or pig not taxed under section 141; or (b) monkey, found straying, may be summarily destroyed by any person authorised in that behalf in writing by the Commissioner.

352. 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 animals or quadrupeds are kept or taken in for purposes of profit 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 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.(3)No person shall, without or otherwise than in conformity with a licence, use any place or allow any place to be used for any such purpose.

353. General powers of control over stables, cattle-shed and cow-houses.

(1)All stables, cattle-sheds and cow-houses or structures to house animals or pets shall be under the survey and control of the Commissioner as regards their site, constructions, 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 demolished or be improved by constructing a diaphragm.(3)Every such notice shall specify the time-limit within which the work referred to under sub-section (2) has to be carried out and 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.(5)If the execution of any such work referred to in sub-section (2) is not carried out within the time-limit specified in the notice issued under that sub-section, the Commissioner may, if he thinks fit, execute it or cause it to be executed and the expenses incurred shall be paid by the owner within such time as may be specified by the Commissioner.

354. 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 the grounds on which it proceeds.Landing Places, Cart-Stands, etc.

355. Provisions of landing places, cart-stands, etc.

(1)The Commissioner may construct or provide public landing places, halting places, cart-stands, cattle-sheds and cow houses and may charge and levy such fees for the use of the same as the standing committee may fix.Explanation. - A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the [Motor Vehicles Act, 1939 (Central Act IV of 1939)] [This Act has been repealed and re-enacted as the Motor Vehicles Act, 1988 (Central Act 59 of 1988).] and animals.(2)A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in Tamil and English 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.

356. Prohibitions 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 standing committee of any public place or the sides of any public street: 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 Government as a stand solely for motor vehicles.

357. Recovery of cart-stand fees, etc.

(1) If the fee leviable under sub-section (1) of section 355 is not paid on demand, the person appointed to collect such fee may seize and detain such portion, of the appurtenances or land 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 authorised 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 pub he notice that after the expiry of two days, exclusive of Sunday from the date of service or publication of such notice, the property will be sold 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 authorised 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 seizure, detention and sale. (5) If, after making the payments 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.

358. 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) Application for such licence shall be made by the owner of the place in respect of which the licence is sought 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 and to such conditions 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 thereof, 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: Provided that the Commissioner shall, before refusing to grant or renew any such licence, or suspending or cancelling any such licence for breach of the condition thereof give reasonable opportunity to the persons concerned for making their representations. (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 Tamil and English to be affixed 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 one thousand and two hundred rupees per annum. (6) Every licence granted under this section shall expire at the end of the year for which it is granted. Carcasses of Animals

359. 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 in charge of the ward 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 not known, by the occupier of the premises in or upon which or by the person in whose charge, the animal died. Industries and Factories

360. Purposes for which places within the limits of the city may not be used without a licence.

(1) No place within the limits of the city shall be used for any of the purposes mentioned in Scheduled IV without a licence obtained from the Commissioner and except in accordance with the conditions specified therein: Provided that no such licence shall be required for the use of any place for a lodging house as defined in the Tamil Nadu Public Health Act, 1939 (Tamil Nadu Act III of 1939), if the keeper thereof has been registered under that Act. (2) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) shall apply to the Commissioner for such licence not less than forty-five and not more than ninety days before the place is used for such purpose. (3) 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 measurement of such place. (4) (a) On receipt of any such application as is referred to in sub-section (2), 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 Government in this behalf, or refuse to grant the same.(b)Before granting or refusing to grant a licence under clause (a), the Commissioner shall cause a full and complete investigation to be made in the prescribed manner in respect of the application and shall have due regard to-(i)the suitability of the place in respect of which the licence 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 uses;(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 licence 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 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 Government, the Commissioner may also vary or amend a licence granted under clause (a).(5)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.(6)Applications for renewal of such licence shall be made not less than forty-five and not more than ninety days before the commencement of the year for which the renewal is sought.

361. 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 construct any building, hut or structure which is intended to be used for any of the purposes mentioned in Schedule IV; or(c)to install in any place, any machinery or manufacturing plant driven by steam, water, electric or other power 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 permission to undertake the intended work.(2)The application in respect of matters specified in clauses, (a) and (c) of sub-section (1) 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 Government; and(b)such particulars as to the power, machinery, plant or premises as the council may require by bye-laws made in this behalf.(3)The application in respect of matters specified in clause (b) of sub-section (1) shall contain such particulars as the council may require by bye-laws made in this behalf.(4)The Commissioner, with the previous sanction of the standing committee, 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.(5)Before granting permission under sub-section (4), 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 Factories Act, 1948 (Central Act LXIII of 1948) having jurisdiction in the City or if there is more than one such Inspector, of the Inspector designated by the 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 provisions 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 maybe prescribed by rules made by the 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 or building or hut or structure for the purpose specified in the application.(6)All chimneys in connection with any such factory, workshop or workplace or any such machinery or manufacturing plant shall be of such height and dimensions as the Commissioner may determine.(7)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 (4) authorises such employment or unless fresh permission authorising such employment has been obtained from the Commissioner. Before granting such fresh permission, the Commissioner shall obtain the approval of the Inspector of Factories, referred to in clause (a) of sub-section (5), as regards the plan of the factory, workshop, work-place, or premises with reference to the matters specified in that clause.(8)The grant of permission under this section-(a)shall, in regard to the replacement of machine, the levy of fees, the conditions to be observed, and the like, be subject to such restrictions and control as may be prescribed; and(b)shall not be deemed to dispense with the necessity for compliance with the provisions of section 272 and 274 or sections 288 and 289, as the case may be.(9)The standing committee shall, before giving sanction to the Commissioner for the granting or refusing to grant permission under sub-section (4), give due regard to the provisions of this section.(10)[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 day 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.(11)Nothing contained in clause (a) of sub-section (5) and sub-section (7) shall apply if the approval to the factory, workshop, workplace or premises referred to therein has already been obtained under the provisions of any law relating to factories for the time being in force.] [Inserted by Tamil Nadu Act 39 of 1974.]

362. Commissioner may issue directions for abatement of nuisance caused by gas, steam or other power.

(1)If any factory, workshop or work-place in which gas, 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 vibrations created, he may issue such direction 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 8 a.m. or during any particular time or times between such hours.

363. Powers of Commissioner to require owner or occupier 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 gas, 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 and 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 (Central Act V of 1923) or to authorise the Commissioner to issue any 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 Factories Act, 1948 (Central Act LXIII of 1948) are applicable.

364. 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 place in which, steam, water or other mechanical or electric power is employed is or is likely to become by reason of 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 purposes that may be specified in such notice.

365. Commissioner may enter any factory, workshop or work-place.

(1)The Commissioner or any person authorised by him in this behalf may enter any factory, workshop or work-place-(a)at any time between sunrise and sunset;(b)at any time when any industry is being carried on; and(c)at any time by day or night if he has reason to believe that any

offence is being committed against sections 361,362,363 or 364.(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.

366. Standing committee to inspect sites and works.

- The standing committee may, on the request of the Commissioner, inspect the works and sites, before licence is granted or renewed by the Commissioner.

367. Power of Government to pass orders or give directions to Commissioner.

- The Government may; either generally or in any particular case make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under sections 360, 361, 362, 363 or 364.Washing and Bathing

368. Provision of places for bathing,and for washing animals.

- The council shall set apart places for use by the public for bathing purposes and for washing animals.

369. Provision of public bathing houses, wash-houses, etc.

(1)The Commissioner may construct or provide and maintain public bathing houses, public wash-houses or places for the washing of clothes, and may charge and levy such rents and fees for the use of any such bathing house, wash-house or place as the 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.(3)If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the Commissioner may, without making any charge therefor, appoint suitable places for the exercise by washermen of their calling.(4)In public wash-houses, the clothes of persons suffering from infectious diseases and of person residing in the premises occupied by the persons 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.

370. Prohibition against washing by washermen at unauthorised places.

(1)The Commissioner may, by public notice prohibit the washing of clothes by washermen in the exercise of their calling within the City, except at-(a)public wash-houses or places maintained or provided.under section 369; 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 the city other than a public wash-house or a place maintained or appointed under this Act: Provided that this section shall apply only to clothes washed within the City. Slaughter-Houses

371. Provision of corporation slaughter-houses.

(1) The council shall provide a sufficient number of places for use as municipal slaughter-houses within the city and the Commissioner may charge and levy such rents and fees for their use as the 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.

372. Licence for slaughter-houses.

(1) The owner of any place within the limits of the City which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of carcasses 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. (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.

373. 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.

374. Slaughter of animals for sale for food.

- No person shall slaughter within the city except in municipal or licenced slaughter house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a licence from the Commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

375. Slaughter of animals for religious ceremonies.

- The Commissioner may authorise any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

376. Power to grant licences be subject to Tamil Nadu Act XXXII of 1950.

- The power of the Commissioner to grant licence or permission under sections 372, 373, 374 and 375 shall be subject to the provisions of the Tamil Nadu Animals and Birds Sacrifices Prohibition Act, 1950 (Tamil Nadu Act XXXII of 1950).The Milk Trade

377. Regulation of milk trade.

(1)No person shall, without or otherwise than in conformity with a licence from the Commissioner-(a)carry on or be employed in the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce or other edible articles within the City;(b)use any place in the City for the sale of milk or dairy produce:Provided that no such licence shall be given to any person who is suffering from an infectious disease:Provided further that such licence shall be deemed to have been suspended while the person to whom it is granted is suffering from an infectious disease.(2)Such licence may be refused or may be granted either unconditionally or on such conditions as the Commissioner may deem necessary. Such 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.(3)No person shall be granted a licence as vendor in milk, dairy produce or other edible articles before he has undergone medical check up by a medical officer.(4)The council may fix the fee to be collected for each such licence and the Commissioner shall grant such licence after the fee due therefor has been paid.Markets, Butchers Shop, etc.

378. Public markets.

- All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

379. Powers of municipal authorities in respect of public markets.

(1)The council may provide places for use as public markets.(2)The Commissioner may in any public market, charge and levy and one or more of the following fees at such rates as the standing committee may determine 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;Explanation. - The fees under this clause shall not be levied unless the goods are actually brought into such markets;(b)fees for the use of shops, stalls, pens or stands in such markets;(c)fees on vehicles or pack-animals carrying, or on persons bringing, goods for sale in such markets;(d)fees on animals brought for sale into, or sold in, such markets; and(e)licence fees on brokers, commission agents, porters, weighmen and measurers practising 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 Government, close any public market or part thereof.

380. 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 388 or any by-law under section 433 or who commits default in payment of the fees leviable under section 379 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 germinated for such period and from such date as Commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 379 and the expenses, if any, which the corporation may incur in such removal.

381. 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. (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 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 not less than forty-five and not more than ninety days before such place is opened as a market. (3) The Government may declare any such private market established in the City or any specified part of the City as public market upon such terms and conditions as maybe prescribed.

382. Licensing of private markets.

- No person shall, without or otherwise than 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 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, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply/ 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 executed 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 388 or some by-law made under section 433. (3) The Commissioner shall cause a notice that the market has been so licensed to be affixed in Tamil and English 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 Tamil and English in some conspicuous place at or near the entrance to the premises.

383. Period of licence.

- Every licence granted under section 381 or section 382 shall expire at the end of the year for which it is granted.

384. Licence fee for private markets.

- When a licence granted under section 382 permits the levy of any fee or fees of the nature specified in sub-section (2) of section 379, a fee not exceeding twenty-five 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-

385. 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 or on the streets or road margins. The Commissioner may seize the animal or article exposed for sale in any unlicensed private market or the street or road margins and produce the same before the Court of competent jurisdiction.

386. 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 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;(c)ventilate and light it properly and provide it with a supply of water;(d)provide passage, of sufficient width between the stalls and make such alterations in stalls, passages, shops, doors or other parts of the market as the Commissioner may direct; and(e)keep it in a cleanly and proper state and remove all filth and rubbish-therefrom.

387. Suspension or refusal of licence in 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 386 the Commissioner may, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.(2)It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

388. Power of Commissioner to make regulations for bazaars, slaughterhouses and places set apart for sacrifice of animals.

- The Commissioner may, with the approval of the standing committee make regulations, not inconsistent with any provisions of this Act or of any by-law made under section 433, -(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, slaughterhouse and places specified under section 373 in a cleanly and proper state; and for removing filth and rubbish therefrom; (d) requiring that any market-building, market-place, bazaar, slaughterhouse or place specified as aforesaid be properly ventilated and provided with sufficient supply of water; (e) requiring that in market building, market-places and 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 apart for different classes of articles.

389. Acquisition of rights of private persons to hold private markets.

(1) The council may acquire the rights of any person to hold private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Act, 1894 (Central Act I of 1894) and such rights shall be deemed to be land for the purpose of that Act. (2) On payment by the 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,

390. Duty of expelling lepers, etc., from markets and power to expel disturbers.

- The person in charge of a market shall prevent the entry therein or, expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same handles, any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

391. Butcher's, fishmonger's and poulterer's licence.

(1) No person shall without or otherwise than in conformity with a licence from the Commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of flesh, fish or poultry intended for human food in any place within the limits of the City: 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. (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, in the licence. (4) The Commissioner may seize any flesh, fish, or poultry intended for human food exposed for sale by an

unlicensed person and produce the same before the Court of competent jurisdiction.

392. Power to prohibit or regulate sale of animals, birds or articles in public streets.

- The Commissioner may, with the sanction of the standing committee, prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

393. Decision of disputes as to whether places are markets.

- If any question arises as to whether any place where persons assemble for the sale or purchase of articles of food, or clothing, or livestock or poultry, or cotton, groundnut or other industrial crops or any other raw or semi-manufactured or manufactured products, is a market, or not, the Commissioner shall make a reference to the Government and the decision of the Government on the question shall be final. Inspection of Places for Sale, etc.

394. 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 or 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.

395. 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 any 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 authorised 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 a 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 animal, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or where not intended for human food, the burden of proof shall

lie on the party so alleging.

396. Preventing inspection by Commissioner.

- No person shall in any manner whatsoever obstruct the Commissioner or any person duly authorised by him in the exercise of his powers under section 395.

397. 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 article 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.

398. Removing or interfering with article seized.

- No person shall remove or in any way interfere with any thing secured under section 397.

399. Power to destroy article seized.

(1)When any animal, poultry, fish or other article of food or any utensil or vessel is seized under section 397, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.(2)Any expense incurred in 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.

400. 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 391 or section 397 and not destroyed under section 399 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 (Central Act XLV of 1860) or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 397, he may order the same-(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 or used for human food or for the manufacture or preparation of, or for containing any such article as aforesaid.Disposal of the Dead

401. 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 plan or may, with the sanction of the council, close it.

402. Licensing places for disposal of dead.

(1) No new place for the disposal of the dead, whether public or private shall be opened, formed, constructed, or used unless a licence has been obtained from the 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, 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.

403. 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 with the sanction of the Government without the limits of the City and may charge and levy rents and fees for the use thereof. (2) If the corporation provides any such place without the limits of the City, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the City shall apply to such places and all offences against such provisions or by-laws shall be cognizable by the magistrate of the First Class as if such places were within the limits of the City.

404. Register of registered, licensed or provided places and prohibition of use of other places.

(1) A book shall be kept at the municipal office in which the places registered, licensed, or provided under section 401 or section 402 or section 403 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 Tamil and English in 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.

405. Report of burials and burning.

- 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.

406. 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 Government, authorise the burial in such vault of near relatives of the family to whom it belongs.

407. Prohibition against use of burial and burning grounds dangerous to health or over-crowded with graves.

(1) If the Commissioner is of opinion—(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 Government is in such a state or situation as to or to be likely to become dangerous to the health of persons living in the neighbourhood thereof; or (b) that any burial ground is over-crowded with graves, and if in the case of public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place, he may, with the consent of the council and the previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place. (2) Every notice given under sub-section (1) shall be published and a translation thereof 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.

408. 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 1.5 metres 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 0.6 metre 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 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.

409. Fencing, etc. of private burial grounds.

- 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.

410. Grave diggers licence.

- No person shall discharge the office of a grave digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the Commissioner. The Commissioner may, after giving the holder of the licence an opportunity of showing cause, withdraw or cancel the licence.[Chapter-XIII-A] [Chapter XIII-A (Section 410-A to 410-J) was inserted by Tamil Nadu Act 51 of 1998.]

410A. 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 framework or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly.

410B. Prohibition for erection of hoardings.

- No hoarding shall be erected at any place, on or after the 23rd day of July 1998 (hereafter in this section referred to as the said date, by any person without obtaining a licence from the [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.].(2)every person who has erected any hoarding without obtaining a licence and which is in existence immediately before the date of commencement of the said date, shall apply for a licence in accordance with the provisions of this Chapter within thirty days from the said date.

410C. Application for licence.

(1)Every application for licence under this Chapter shall be made to the [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] in such form, containing such particulars and with such fee as may be prescribed.(2)The [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] may, after local inspection, grant a licence with such conditions or directions, subject to such rules as may be prescribed.(3)The [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] may refuse to grant licence for reasons to be recorded in writing:Provided that a licence shall not be refused unless the applicant has been given an opportunity of making his representation.(4)Every licence granted under sub-section (2) shall be valid for such period as may

be prescribed, and may be renewed, from time to time.(5)[The fee paid under sub-section (1) shall be credited to the [Corporation account] [Inserted by Tamil Nadu Act 19 of 2003.] in such manner as may be prescribed.]

410CC. [Tax on advertisement on hoardings. [Inserted by Tamil Nadu Act 19 of 2003.]

(1)Notwithstanding anything contained in this Act, every person, who is granted licence under section 410-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:-

Location and Nature	Rates of tax per square metre per half year(Rupees)	
Minimum	Maximum	
1. Hoardings in arterial road with bus route ---		
(a) withoutlighting	150	400
(b) withordinary lighting	200	600
(c) withneori or mercury lighting	300	700
2. Hoardings in main road with bus route ---		
(a) withoutlighting	100	300
(b) withordinary lighting	150	400
(c) withneon or mercury lighting	200	500
3. Hoardings in other road or street ---		
(a) withoutlighting	90	200
(b) withordinary lighting	125	300
(c) withneon or mercury lighting	150	400

(2)[The tax paid under sub-section (1) shall be credited to the Corporation account in such manner as may be prescribed.]

410D. Power to cancel or suspend licence.

(1)Without prejudice to any other penalty to which the licensee may be liable, under this Chapter, the District Collector may, at any time, by order in writing, cancel or suspend any licence granted or renewed under section 410-C, if-(a)such licence has been obtained by fraud, misrepresentation or suppression of material particulars; or(b)the licensee has contravened any of the provisions of this Chapter or the rules made thereunder or any of the conditions subject to which the licence was granted.(2)Before cancelling or suspending a licence under sub-section (1), the [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] shall give the licensee, an opportunity of making his representation.

410E. Removal of unauthorised hoarding.

- Any hoarding erected without a licence shall be confiscated and removed by the [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.], without giving any notice.

410F. 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 [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] 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 [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue.

410G. Exemptions.

- Not King 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 the hoarding as maybe prescribed.

410H. Appeal.

(1)An appeal shall lie to the [Government] [Substituted for the word 'Standing Committee' by the Tamil Nadu Act 26 of 2000.] from an order of, refusal to grant or renew a licence or cancelling or suspending a licence by the [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] under this Chapter within thirty days from the date of receipt of the order.(2)The appeal shall be in such form and in such manner and shall accompany with such fee, as may be prescribed.(3)On receipt of such appeal, the [Government] [Substituted for the word 'Standing Committee' by the Tamil Nadu Act 26 of 2000.] may, after making such inquiry as may be necessary and giving a reasonable opportunity to the appellant to be heard, pass such orders as it deems fit.

410I. Penalty.

- Whoever, contravenes any of the provisions of this Chapter or any rule or 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.

410J. 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 a 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 (Tamil Nadu Act 26 of 2000) (hereafter in this section referred to as the amendment Act), the [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] 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 [District Collector] [Substituted for the word 'Commissioner' by the Tamil Nadu Act 26 of 2000.] shall, without further notice, remove such hoarding and recover the expenditure for such removal as an arrear of land revenue; (b)(i) where the 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 a 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 410-C and no such hoarding shall be erected, on and from the date of the commencement of 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 District Collector without any notice.

Chapter XIV

Vital Statistics and Prevention of Diseases Vital Statistics

411. Compulsory registration of vital statistics.

(1) The corporation shall register all births and deaths occurring in the City. (2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

412. Obligation of medical practitioner or owner or occupier to report infectious diseases.

(1) If any medical practitioner becomes cognizant of the existence of any infectious disease in any private or public dwelling in the 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 practical 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 City limits, during such period and to such officer as the Commissioner may, prescribe, of all deaths from or occurrences in infectious disease in his office. Explanation. - Sub-sections (1) and (2) shall apply to a hakim or a vaidyan.

413. Power of entry into suspected places.

- The Commissioner 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 infectious disease is reported or suspected to exist, and except in cases 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 infectious 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

414. Provision of conveyance for carriage of patients.

- The Commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any infectious disease.

415. Power to order removal of patients to hospital.

(1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from an infectious disease, or if, in the case of any other person, it appears to the health officer or assistant health officer whether on a certificate signed by a medical practitioner registered under the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act of 1914) or otherwise that such person is suffering from an infectious disease, and - (a) is without proper lodging or accommodation; or (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, she 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 any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1), - (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 (c) 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 (Central Act XLV of 1860).

416. Disinfection of building and articles.

(1) If the Commissioner or health officer is of 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 infectious 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 or occupier shall within the time specified as aforesaid comply with the terms of the notice. (3) If the Commissioner or health officer considers that immediate action is necessary or that the owner or occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the Commissioner or health officer may himself without notice cause such building or article to be 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 or health officer shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the Commissioner or health officer not unable by reason of poverty effectually to comply with such requisition.

417. 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 infectious 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.

418. Provisions of places for disinfection and power to destroy infected articles.

(1) The Commissioner may—(a) provide for places with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection from any infectious 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 standing committee. (2) The Commissioner shall, from time to time, notify places at which conveyance, clothing, bedding or other articles which have been exposed to infection from any infectious disease shall be washed and disinfected and no person shall wash 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 from any infectious disease to be disinfected or destroyed, and may give compensation for any article destroyed under this subsection.

419. Prohibition against transfer of infected articles.

- No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any infectious 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.

420. 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 Government or of the corporation or a medical practitioner registered under the Tamil Nadu Medical Registration Act, 1914 (Tamil Nadu Act IV of 1914), that he is suffering from an infectious 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.

421. Prohibition against diseased person entering public conveyance.

(1) No person who is suffering from any infectious 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 imposed 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 on 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.

422. Disinfection of public conveyance after carriage of patients.

(1) The owner, driver or person in charge of any public conveyance in which any person suffering from any infectious disease has been carried shall forthwith disinfect the conveyance or cause it to be disinfected. (2) No such conveyance shall be used until the health officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

423. Letting of infected buildings.

(1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from any infectious disease until the health officer has granted a certificate that such building or any part thereof 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.

424. Power to order closure of places of public entertainment.

- In the event of the prevalence of any infectious disease within the City, the Commissioner may, with the sanction of the 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 standing committee.

425. Minor suffering from infectious 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 any infectious 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.

426. Provision as to library books.

(1) No person who is suffering from any 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 any 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 books have been so exposed to infection, and the Commissioner shall cause the books to be disinfected and returned to the library, or to be destroyed. (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.

427. Power of Commissioner to prohibit use of water likely to spread infection.

- If the health officer certifies that the water in a well, tank or other place within the limits of the City is likely, if used for drinking, to endanger or cause the spread of any infectious disease, the

Commissioner may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period. Small-Pox

428. Compulsory vaccination.

- The corporation shall enforce vaccination throughout the City, it may enforce re-vaccination throughout the city or in any part thereof in respect of such person to such extent, and in such manner, as may be prescribed.

429. 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, in 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.

430. Prohibition of variolation of small-pox.

(1) Variolation for small-pox is prohibited. (2) No person who has undergone variolation shall enter the City before the lapse of forty days from the date of variolation without a certificate from the health officer of the locality that such person is no longer likely to produce small-pox by contact or near approach.

Chapter XV

Rules, By-Laws and Regulations Rules and Schedules

431. Power of Government to make rules.

(1) The 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) provide for all matters expressly required or allowed by this Act to be prescribed; (b) regulate 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; (c) provide for the procedure to be followed at the meetings of the standing committee or any other committee and for the conduct of business and the number of members which shall form quorum at such meetings; (d) 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; (e) prescribe the forms of all registers, reports and returns, the manner in which such registers to be maintained, by the dates on which the reports and returns shall be made and the officers to whom they shall be sent; (f) regulate the sharing between local authorities including cantonments in the State of Tamil Nadu of the proceeds of the [profession tax] [Profession tax dealt

with by Tamil Nadu Act 24 of 1992.], tax on carriages and animals, tax on carts, and other taxes or income levied or obtained under this or any other Act;(g)prescribe the powers of auditors, inspecting and superintending officers and officers authorised to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence; and(h)prescribe the form of warrant under rule 29 of Schedule II and the form of notice of sale under rule 31 of the same Schedule.(3)The Government may make rules altering, adding to or cancelling any of the Schedules to this Act except Schedules V and VI.(4)All references made in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (3).(5)A draft of the rules proposed to be made under sub-section (3) shall be laid before the Legislative Assembly and the rules shall not be made unless the Legislative Assembly approves the draft either without modification or addition or with modifications or additions to which the Legislative Assembly agrees; but upon such approval being given, the rules may be made in the form in which they have been approved being given, the rules may be made in the form in which they have been approved and such rules on being so made shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(6)In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

432. Rules and notifications to be placed before the Legislature.

(1)(a)All rules made under section 431 shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come in for force on a particular day, come into force on the day on which they are published.(2)Every rule made under section 431 and [every notification issued under sub-section (2) of section 5-A, sub-section (2) of section 10-C or under any other provisions of this Act] [Substituted by Tamil Nadu Act 26 of 1994.] shall as soon as possible after it is made or issued, 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 legislative Assembly agrees in making any modification in any such rule or notification or the legislative Assembly agrees that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in 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.By-Laws

433. Power of council to make by-laws.

- The council may make by-laws, not inconsistent with this Act or with any other law to provide-(1)for all matters expressly required or allowed by this Act to be provided for by bye-laws;(2)for the due performance by all municipal officers and servants of the duties assigned to them;(3)for the regulation of the time and mode of collecting the taxes and duties under this Act;(4)for determining the conditions under which lands shall be deemed to be appurtenant to building;(5)(a)for the use of public tanks, wells, conduits and other places or works for

water-supply;(b)for the regulation of public bathing, washing and the like;(c)for the maintenance and protection of the water-supply system and the protection of water-supply from contamination;(d)for the terms and conditions on which house connections with the corporation water-supply mains may be made, for their alteration and repair and for their being kept in proper order;(e)for supply of water for domestic consumption and use;(f)for the prevention of waste of water;(g)for the measurement of water;(h)for the compulsory provision of cistern and meters;(i)for the supply of water in case of fire;(6)for the maintenance and protection of the lighting system;(7)(a)for the maintenance and protection of the drainage system;(b)for the construction of the house drains and for regulating, their situation, mode of construction and materials;(c)for the alteration and repair of house drains;(d)for the cleansing of house drains;(e)for the construction of closed cess-pools and drains;(f)for the payment or apportionment of money payable on account of pipes or drains common to more premises than one;(8)for the cleansing of latrines, earth-closets, ash pits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing;(9)(a)for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and breaking up of ground or of buildings for the purpose of such testing;(b)for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters;(10)(a)for the laying out of streets, and for determining the information and plans to be submitted with application for permission to lay out streets, and for regulating the level and width of public streets and the height of buildings abutting thereon;(b)for the protection of avenues, trees, grass and other appurtenances of public streets and other places;(c)for regulating the leasing of road-sides and street-margins vested in the corporation;(11)for the regulation of the use of parks, gardens and other public or municipal places, but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic;(12)(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;(d)for the regulation and licensing of private nursing homes and clinics;(e)for the regulation of private and public schools, colleges and educational institutions to enforce public health standards;(13)(a)for the regulation of licensing of hotels, restaurants, eating-houses, stalls, cafes, refreshment-rooms, coffee-houses and any premises to which the public are admitted for the consumption of any food or drink or any place where any article of food or drink is exposed for sale;(b)for the prohibition of sale without any licence, of articles o. food or drink in any place in any street-side, road-side, etc.;(14)for regulating the mode of constructing stables, cattle sheds and cow-houses and connecting them with municipal drains;(15)for the control and supervision of public and private cart-stands, for the regulation of their use and for the levy of fees therein;(16)for the sanitary control and supervision of factories and places used for the purposes specified in Schedule IV and of any trade or manufacture carried on therein;(17)(a)for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses;(b)for the control and supervision of the methods of slaughtering;(c)for the control and supervision of butchers carrying on business in the City;(18)for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following trade of dairy man or milk-seller;(19)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 and for enforcing the cleanliness of

persons employed in the milk trade;(20)for requiring notice to be given whenever any milch-animal is affected with any infectious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infections and contamination;(21)(a)for the inspection of public and private markets and shops and other places therein;(b)for the regulation of their use and control of their sanitary conditions; and(c)for licensing and controlling, brokers, porters, commission agents and weighmen and measurers practising their calling in markets, cart-stands, lorry-stands and other landing places maintained by the corporation;(22)for prescribing the method of sale of articles whether by measure, weight, tale or piece;(23)for prescribing and providing standard weights, scales and measures and preventing the use of any others;(24)for prevention of the sale or exposure for sale of unwholesome meat, fish, or provisions and securing the efficient inspection and sanitary regulation of shops or places in which articles intended for human food are kept or sold;(25)(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 causes of deaths;(d)for the period of 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;(26)for the registration of births, deaths and marriages;(27)for the training and licensing of dhais and midwives;(28)for the prevention of infectious disease of men or animals;(29)for the enforcement of compulsory vaccination or re-vaccination;(30)for the prevention of outbreaks of fire;(31)for the prohibition and regulation of advertisements;(32)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.

434. Power to give retrospective effect to certain by-laws.

- By-law with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or the date of commencement of this Act.

435. Penalty for breaches of by-laws.

- In making any by-laws under section 433, the council may, subject to the provisions of clause (1) of Article 20 of the Constitution, provide that a breach thereof shall be punishable-(a)with fine which may extend to one hundred rupees and in case of a continuing breach with fine which may extend to twenty-five rupees for every day during which the breach continues after conviction for the first breach; or(b)with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

436. Confirmation of by-laws by Government.

- No by-law made by the council under this Act shall have any validity unless and until it is sanctioned by the Government.

437. Conditions precedent to making of by-laws.

- The power to make by-laws under this Act is subject to the conditions-(a)that a draft of the proposed by-laws is published in the Tamil Nadu Government Gazette and in the local newspaper;(b)that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof in the Tamil Nadu Government 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 pursue 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.Rules in lieu of By-Laws

438. Power of Government to make rules in lieu of by-laws.

(1)If, in respect of any of the matter specified in section 433, the council has failed to make any bylaws or if the by-laws made by it are not, in the opinion of the Government adequate, the Government may make rules providing for such matters and to such extent as they may think fit.(2)Rules made under this section may add to, alter, or cancel any by-law made by the council.(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 re-pugnancy, be void.(4)The provisions of sections 434,435 and 437 and of the second sentence of sub-section (1) of section 439 and section 440 shall apply to the rules made under this section as they apply to the by-laws made under section 433 with the substitution of the word "Government" for the word "council" in section 435 and clause (b) of section 437 and of the word "Government" for the word "Commissioner" in clause (d) of section 437.(5)Before making any rule under this section, the Government shall give the council an opportunity of showing cause against the making thereof.Publication of Rules, By-Laws and Regulations

439. Publication of by-laws or rules.

(1)(a)When any by-law has been made under this Act, such by-law shall be published in the Tamil Nadu Government Gazette in Tamil and English. A by-law shall come into operation three months after it has been published as aforesaid;(b)When any rule made under this Act is published in the Tamil Nadu Government Gazette, it shall be published in Tamil also.(2)The Commissioner shall cause all rules and by-laws in force to be printed in Tamil and English and shall cause printed copies thereof to be sold to any applicant on payment of a 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 a fixed price.

440. Publication of regulations.

- Regulation made under this Act shall be published in such manner as the council may determine.

441. Exhibition of by-laws, rules and regulations.

(1)Printed copies of by-laws made under sub-clauses (b) and (c) of clause (10) and clause (11) of section 433 shall be affixed at the entrances to, or elsewhere in the street, park or other places affected thereby 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.

Chapter XVI

Penalties

442. 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 and second columns of Schedule V; or(b)contravenes any rule or order made under any of the said sections or rules; or(c)fails to comply with any directions 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 specified in the fourth 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 and second columns of Schedule VI; 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 specified in the fourth column of the said Schedule.Explanation. - The entries in the third column of Schedules V and VI headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, clauses or rules mentioned in the first and second columns, of even as abstracts of those sections, sub-sections, clauses or rules, but are inserted merely as references to the subject of the sections, sub-sections, clauses or rules, as the case may be.

443. Penalty for voting when pecuniarily interested and acting as councillor when not entitled.

(1) If a councillor votes in contravention of section 35 or if any person acts as councillor 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. (2) If any person acts 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. (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 a fine not exceeding one thousand rupees for every such offence.

443A.

[xxx] [Inserted by Tamil Nadu Municipal Laws (Amendment) Act 2002 (Tamil Nadu Act 31 of 2002). The words 'fifty thousand rupees' was substituted for 'one thousand rupees' by the Tamil Nadu Municipal Laws (Second Amendment) Act, 2002 (Tamil Nadu Act 53 of 2002) and subsequently omitted by Tamil Nadu Municipal Laws (Amendment) Act, 2008 (Tamil Nadu Act 9 of 2008).]

444. 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 (Central Act XLV of 1860): Provided that no person shall, by reason of being a shareholder in, or member of any company be held to be interested in any contract between such company and the corporation unless he is a director of such company: Provided further that nothing in this section shall apply to a teacher employed by the council, who with the sanction of the Government enter into a contract with the council, with regard to the utilization for the purpose of a school of any land or building owned by him or in which he has a share or interest.

445. Penalty for continuing meeting in contravention of rules, etc.

- Any person who continues or purports to continue, to hold or vote at, or takes part in a meeting of the council after it has been adjourned in accordance with the provisions of this Act or of the rules or

regulations made thereunder shall be punishable with fine which may extend to five hundred rupees.

446. 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 141, who omits to obtain, within fifteen days of the service of a bill on him, a licence under section 147 shall, on conviction, be punished with fine not exceeding one hundred 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 of animal in respect to 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 144, fails to pay such sum and the amount due for a licence, shall in such case be taken as the amount so compounded for.

447. Penalty for wilfully preventing distraint.

- Any person who wilfully 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.

448. 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 any breach of 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 282 or section 295 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 296 fails to obey such direction, the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to one hundred rupees and in the case of any other building to one thousand rupees, and to a further fine which may extend in the case of a well or hut to twenty rupees, and in the case of any other building to two hundred rupees for each day during which the offence is proved to have continued after the first day.

449. Notice to sanitary workers before discharge.

(1) In the absence of a written contract to the contrary, every sanitary worker 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. (2) Should any sanitary worker employed by the corporation, in the absence of a written

contract authorising him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the 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 which may extend to two months.(3)The 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 sanitary workers shall apply also to any other specified class of municipal servant whose functions concern the public health or safety.

450. Wrongful restraint of Commissioner and his delegates.

- Every person who prevents the 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 (Central Act XLV of 1860).

451. 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 one hundred rupees.

Chapter XVII

Procedure and Miscellaneous Licences and Permission

452. General provisions regarding licences, registration and permissions.

(1)Every licence or 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.(2)(a)Save as otherwise expressly provided in or may be prescribed under this Act for every such licence or permission fee shall be paid in advance on such units and at such rates as may be fixed by the council:Provided that not more than one fee shall be levied in respect of construction of building and installation of machinery or of any purpose specified in more heads than one of Schedule IV 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 any mill or factory for a certain sum to be paid in lieu of the fees payable in respect of such mill or factory.(c)Every order of the Commissioner or other municipal authority granting or refusing to grant a licence or permission shall be published on the notice board of the corporation.(3)Every order of the Commissioner or other municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.(4)Subject to the special provisions in Chapters X, XI and XIII regarding buildings, hutting grounds and private markets and subject to such sanction

as may be required for the refusal of a licence or permission, 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 of 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 condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the Commissioner or any person to whom he has lawfully delegated his 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 order suspending or revoking the licence or permission is cancelled or subject to sub-section (11) until the licence or permission is renewed as the case may be.(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 tire request of the Commissioner.(8)Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration required by 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 the corporation the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution.(9)Such recovery of the fee under sub-section (8) shall not by itself entitle the person convicted to a licence or permission or to registration as aforesaid.(10)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 and shall be accompanied by the fee referred to in clause (a) or the sum referred to in clause (b) of sub-section (2).(11)(a)The acceptance by the corporation of the prepayment of the fee referred to in clause (a) or the sum referred to in clause (b) of sub-section (2) for a licence or permission or for registration shall not entitle the person making such prepayment to the licence or permission or to registration, as the case may be, but only to refund of such amount after deducting therefrom the amount specified in clause (b) towards the expenses incurred by the corporation in the scrutiny of the application and other documents connected therewith for licence, permission or registration in case of refusal of the licence or permission or of registration, but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been

renewed; and, save, as otherwise specially provided in this Act if orders on an application for a licence or permission or for registration are not [received by applicant within sixty days] [Substituted by Tamil Nadu Act 39 of 1974.] 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.(b)The amount to be deducted under clause (3) shall be at the rates not exceeding the following:-

Fees for licences, permissions or registrations	Amount to be deducted for scrutiny charges, in respect of applications for licences, permissions or registrations
(1)	(2)
	(Rs.)
(1) More than Rs. 10 but not more than Rs. 50	2
(2) More than Rs. 50 but not more than Rs. 150	4
(3) More than Rs. 150 but not more than Rs. 250	8
(4) More than Rs. 250 but not more than Rs. 350	12
(5) More than Rs. 350 but not more than Rs. 450	16
(6) More than Rs. 450 but not more than Rs. 600	20
(7) More than Rs. 600 but not more than Rs. 800	24
(8) More than Rs. 800 but not more than Rs. 1,000 and above	30
Appeals	

453. Appeals from Commissioner to standing committee.

(1)An appeal shall lie to the standing committee or if no such committee has been constituted to the council from-(a)any notice issued or other action taken or proposed to be taken by the Commissioner-(i)under sections 161, 210, 218, 219, 220, 222, 223(2), 282, 296(3), 327(1), 328(1), 333(1), 334,338,343,353, 354 or 362;(ii)under any by-law concerning house drainage or the connection of house drains with municipal drains, or house connections, with municipal water-supply or lighting mains;(b)any refusal by the Commissioner to approve a building site under section 275 to grant permission to construct or re-construct building under section 276 or 290;(c)any refusal by the Commissioner to grant a permission under sections 158,213 or 331;(d)any refusal by the Commissioner to grant a licence under sections 352,360, 372,377 or 382(2);(e)any order of the Commissioner made under sub-section (4) of section 452 suspending or revoking a

licence;(f)any other order of the Commissioner that may be made appealable by rules under section 431.(2)Every such appeal shall be disposed of by the standing committee or, as the case may be, by the council within one month from the date of its receipt in the municipal office, and if not disposed of within that time, shall be transmitted by the Commissioner to such officer for disposal as may be specified by the Government, by order.(3)The decision of the standing committee or the council or the officer specified under sub-section (2), as the case may be, on any such appeal shall, subject to the provisions of sub-sections (4) and (5), be final.(4)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; and the council shall be competent to reverse or modify the decision of the standing committee; and the decision of the council on any such reference shall, subject to the provisions of subsection (5), be final.(5)The Government may, at any time, call for and examine the records relating to any such appeal, and pass such orders as they deem fit.

454. Limitation of time for appeal.

(1)In any case in which no time is laid down in the foregoing provisions of this Act, for the presentation of an appeal allowed thereunder, such appeal shall 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 is made.(2)The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963), shall, so far as may be, apply to any such appeal.Power To Summons

455. Power of person conducting elections and other inquiries.

- All persons authorised by rule to conduct inquiries relating to elections and all inspecting or superintending officers holding any inquiry into matters falling within the scope of their duties, shall have for the purposes of such inquiries the same powers in regard to the issue of summons for the attendance of witnesses and the production of documents as are conferred union revenue officers by the Tamil Nadu Revenue Summons Act, 1869 (Tamil Nadu Act III of 1869) and the provisions of sections 2, 3, 4 and 5 of that Act, and the rules made under that Act shall apply to summons issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summons are issued by virtue of the said powers shall be bound to obey such summons:

456. 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 any licence, or permission under the provisions of this Act.Procedure

457. Form of notices and permission.

- All notices and permissions given, issued or granted, as the case may be, under the provisions of this Act shall be in writing.

458. 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 omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of-(a)the council, a 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.

459. Signature on documents.

(1)Every licence, permission, notice, bill, schedule, summons, 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.(2)Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the council.

460. Publication of notifications.

- Save as otherwise provided, every notification issued under this Act shall be published also in Tamil:Provided that the Government shall have the power to direct that any such notification-(i)shall be published either in Tamil or in English only; or(ii)shall, instead of being published in the Tamil Nadu Government Gazette, be published in any other manner specified by them.

461. 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 standing committee, as the case may be, be translated into Tamil, and deposited in the office of the corporation and copies thereof in Tamil and in English shall be affixed in a conspicuous position at such office and at such other places as the council or the 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 affixed and that the originals are open to inspection at the office of the corporation.

462. 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 Tamil and one English newspaper, if any, published in the city.

463. Notice of prohibition or setting apart of places.

- Whenever the council, a standing committee or Commissioner shall have set apart any place for any purpose authorised by this Act or shall have prohibited the doing of anything in any place, the Commissioner shall forthwith cause to be put up a notice in Tamil and in English 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. Service or Sending of Notices, etc.

464. 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 document to such person; or (b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to 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 registered post; 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. (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 anything provided, such period shall, in the absence of the express provisions to the contrary in this Act, be calculated from the date of such service or sending by registered post. Relation of Occupier to Owner

465. Recovery by occupier of sum leviable from owner.

- If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier is liable, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

466. 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 day of service of such order to execute all such works as may be necessary. (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, in executing such works.

467. Execution of work by occupier in default of owner.

- If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner, execute the said work and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

468. Power of entry to inspect, survey or execute the work.

- The Commissioner or any person authorised by him in this behalf may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, test, examination, survey, measurement or valuation, or for the purpose of lawfully placing or removing metres, instruments, pipes or apparatus, or to execute any other work which is authorised by the provisions of this Act, or of any rule, by-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute: Provided that - (a) except when it is in this Act, otherwise expressly provided, no such entry shall be made between sunset and sunrise; (b) except when it is in this Act, otherwise expressly provided, no dwelling-house, and no part of a public building or hut which is used as a dwelling-place, shall be so entered without 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; (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 usage of the occupants of the premises.

469. Power of entry on lands adjacent to works.

(1) The Commissioner or any person authorised by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty metres of any work authorised 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 or such authorised 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 or such authorised 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. 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 standing committee, whose decision shall be final.

470. Inspection and stamping of weights and measures.

- The Commissioner or any person authorised by him in this behalf may examine and test the weights and measures used in markets and shops in the City with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code (Central Act XLV of 1860).Power to Enforce Licensing Provisions

471. 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, standing committee or Commissioner or registration in the office of the corporation is necessary for the doing of any act and if such act is done without such licence or permission or registration or in a manner inconsistent with the terms of any such licence or permission, then, -(a)the 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 the 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 authorised 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 specially provided in this Act for so doing such act the person so doing it shall be liable on conviction before a Magistrate to a fine not exceeding one hundred 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 use of the force necessary for the purpose of carrying out the provisions of this section.Commissioner Power to Execute in Default

472. 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.(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 one hundred rupees for every such offence.

473. Recovery of expenses from persons liable and limitation on liability of occupier.

(1)The Commissioner may recover any reasonable expenses incurred under section 471 from the person or any one 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 471 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 proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof under the owner to pay to the 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 subsection (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.(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.

474. 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 478, the Commissioner may, if he thinks fit and with the approval of the 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 twelve per centum, per annum, within a period of not more than five years.

475. 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-(a)in section 199, section 200, section 209, section 210, section 211, section 218, clause

(b) of sub-section 243, section 254, sub-sections (1) and (2) of section 333, section 338, section 343, section 386 or section 471; or (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 standing committee, declare such expenses to be improvement expenses.

476. Improvement expenses by whom payable.

- Improvement expenses shall be a charge on 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 instalments 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.

477. Redemption of charge for improvement expenses.

- At any time before the expiration of the period for the payment of any improvement 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.

478. Relief to agents and trustees.

(1) Where any person by reason of his receiving the rent of immovable property as agent, trustee, guardian, manager or receiver or of his being agent, trustee, guardian, manager or receiver for the person who would receive the rent if the property was let to a tenant would under this Act be bound, to discharge any obligation imposed by this Act, or any rule, by-law, regulation or order made under it for the discharge of which money is required; he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the proprietor 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 the 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 principal or beneficial owner, as the case may be, and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation. Payment of Compensation, etc., by and to the Corporation

479. Recovery of sum due as taxes.

- All costs, damages, penalties, compensations, charges, fees (other than school fees), rents (including rents for lands and buildings, demised by the corporation) expenses, contributions and other sums which under this Act or any other law or any rule, by-law or regulation made under this

Act 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 the rules, by-laws and regulations are due by any person to the corporation shall, 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 29 and 35 of the rules contained in Part VI of Schedule II unless within fifteen days from the date of service of the bill such person shall have applied to the district munsif having jurisdiction over the corporation under section 479.

480. Determination by District Munsif or sums payable.

- Where in case not provided for in section 488, 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, compensations, charges, fees, rents, expenses, contributions or other sums referred to in section 478 the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise provided sections 202, 417, 469 or 509 or in the Land Acquisition Act, 1894 (Central Act I of 1894) by the district munsif on application made to him for this purpose at any time within six months from the date when such costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sums first became payable.

481. Proceeding before District Munsifs Court.

(1) On any application under the provisions of section 480 the said Court of district munsif 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 Court of district munsif may hear and determine the case. (3) In every such case the said Court of district munsif shall determine the amount of the costs and shall direct by which of the parties the same shall be paid.

482. Recovery of sums payable by distress.

- If the sum due on account of costs, damages, penalties, compensation, charges, fees, rents, expenses, contributions or other sum ascertained in the manner described in section 481, is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the said Court of district munsif by distress and sale of the movable property of such party.

483. Limitations 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 [twelve years] [Substituted for the words 'six years' by Tamil Nadu Municipal Laws (Third Amendment) Act, 2008 (Tamil Nadu Act 24 of 2008).] from the last day of the period in respect of which such sum is claimed, or in case the same is not claimed in respect of any specific period, from the last day of the year in which the claim arose.

484. 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 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

485. Period of limitation for making complaints.

- 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 within six months from the commission of the offence, by the police or the Commissioner or by a person authorised in this behalf by the council or the standing committee or the Commissioner: Provided that failure to take out a licence, obtain permission or secure registration under this Act shall, for the purposes of this section be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from commencement of the offence.

486. Cognizance of offences.

- 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 judicial Magistrate having jurisdiction in the City; and such judicial Magistrate shall not be deemed to be incapable of taking cognizance of any such offence by reason only of his being liable to pay any municipal rate or other tax or of his being benefited by the municipal fund.

487. Imprisonment in default of payment and application of cost, etc.

(1) If any fine, costs, tax or other sum of money 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 the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code (Central Act XLV of 1860). (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, 1973 (Central Act 2 of 1974), and the same shall except in the case of a fine on recovery be paid to the corporation to be applied to the purposes of this Act.

488. 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 owned or vested in the corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence on application made to him for the purpose by 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. Legal Proceedings in General

489. 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 or other amount due under this Act.

490. Institution of suits against municipal authorities, officers, and agents.

(1) 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 or purporting to be 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 default in the execution of this Act or any rule, by-law, regulation or order made under it until the expiration of two months after a notice has been so delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought and the name and the place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left. (2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of 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 amount 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 otherwise may be made, with the sanction of the standing committee, from the municipal fund.

491. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

- Subject to such restrictions and control as may be prescribed, 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 made under it;(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.(b)compound any offence against this Act, the rules, by-laws or regulations made, under it which may be rules made by the 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 or tax;(e)take, withdraw from or compromise proceedings under sections 479 and 487 for the recovery of the 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 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 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 standing committee institute and prosecute any suit or withdraw from or compromise 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 if necessary or expedient to obtain or as may desired by [the council, the standing committee or the wards committee] [Substituted by Tamil Nadu Act 26 of 1994.] 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:Provided that where the council or the standing committee shall refuse to accord its approval for the legal advice, the Commissioner shall refer the matter to the Government who shall, after consulting the council, pass such orders, directions as the deem fit and the council or Commissioner shall give effect to such order or direction.

Protecting Clauses

492. Indemnity to Government, municipal authorities, officers and agent.

- No suit shall be maintainable against the Government or any municipal authority, officer or servant or any person acting under the direction of the 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.

493. Liability of Commissioner and councillors for loss, waste or misapplication.

(1)The Commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal corporations, 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 Government or by the Government.(2)Every such suit shall be commenced within three years after the date on which the cause of action arose.

494. Sanction for prosecution of Mayor, Deputy Mayor, etc.

- When the Mayor or Deputy Mayor, or any councillor or the Commissioner is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Magistrate shall take cognizance of such offence except with the previous sanction of the Government.

495. Assessment, 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, 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 been in substance and effect, complied with.(3)No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in 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 been in substance and effect, complied with:Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.Police

496. Duties of police officers.

(1)It shall be the duty of every police officer,-(a)to communicate without delay to the proper municipal officer any information which he received of the design to commit or of the commission of any offence under this Act or any rule, by-law or regulation made under it; and(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 persons under this Act or any such rule, by-law or regulation.(2)Any police officer who omits or refuses to perform any duty imposed on him by this Act shall be deemed to have committed an offence, under section 10 or under section 44 of the Tamil Nadu District Police Act, 1859 (Central Act XXIV of 1859).

497. Power of police officers to arrest person.

(1) If any police officer sees any person committing an offence against 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.

498. Exercise of powers of police officer by municipal servants.

- The Government may empower any municipal officer or servant or any class of municipal officers or servants to exercise the powers of a police officer for the purpose of this Act and of the Tamil Nadu Towns Nuisances Act, 1889 (Tamil Nadu Act III of 1889). [Maintenance of Records] [Inserted by Tamil Nadu Act 37 of 2008.]

498A. Maintenance of records and disclosure of information by the corporation.

- The corporation shall, maintain all its records duly catalogued and indexed, and publish such information, in such form, in such manner and at such intervals, as may be prescribed.] Miscellaneous

499. Application of term "public servant" to municipal officers, agents and sub-agents.

- Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, fee or other sum due to the corporation and every person employed by any such contractor or agent for collection of such tax, fee or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

500. Prohibition against obstruction of municipal authorities, servants and contractors.

- No person shall obstruct or molest the council, any standing committee or other committee constituted under this Act, the Mayor or Deputy Mayor, any councillor, 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 its or his duty or of anything which it or he is empowered or required to do by virtue, or in consequence, of this Act or of any rule, by-law, regulation or order made there under.

501. Prohibition against removal of mark.

- No person shall remove any mark, set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any rule, by-law, regulation or order made under it.

502. Prohibition against removal or obliteration of notice.

- No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the council, standing committee, or the Commissioner.

503. Prohibition against unauthorised dealings with public place or materials.

- No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from,, in, or on any land vested in the corporation or river, estuary, canal, backwater or water-courses (not being private property), or in any way obstruct the same.

504. Injunctions not to be granted in elections or assessment proceedings.

- Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908) or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the-(a)preparation or publication of electoral rolls;(b)conduct of any election; or(c)preparation, revision or amendment of assessment books.

505. Officers and staff of Madurai municipality deemed to be employees of the corporation.

- Every person, who immediately before the commencement of this Act, was serving in connection with the affairs of the Madurai municipality shall, as from -the date of commencement of this Act, be deemed to be an employee of the corporation.

506. Control over municipal electrical undertakings.

- The administration by the council of the corporation for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910 (Central Act IX of 1910) and the Electricity (Supply) Act, 1948 (Central Act LIV of 1948) as in force for the time being, the rules made thereunder, and the terms of the licence granted under the first mentioned Act to the council of the corporation. Notes. - The Indian Electricity Act, 1910 (Central Act IX of 1910) and the Electricity (Supply) Act, 1948 (Central Act LIV of 1948) have been repealed and re-enacted as the Electricity Act, 2003 (Central Act 33 of

2003). Now the provisions of the Central Act 33 of 2003 will govern the licence, etc. Transitional and Transitory Provisions

507. Passing of property and rights to corporation as constituted.

- All property, all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by, vested in or held in trust by or for the Madurai municipality as constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), with all rights of whatever kind used, enjoyed or possessed by the said municipality as well as all liabilities legally subsisting against the said municipality shall pass to the corporation as constituted under this Act.

508. Procedure for recovery of arrears of taxes, etc.

(1) 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 Madurai municipality as constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) at the date of commencement of this Act may be recovered as though they had accrued under this Act. (2) All taxes, fees and duties which, immediately before the commencement of this Act, were being levied by the Madurai municipality, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded, by anything done or any action taken under this Act.

509. 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 matters arising under the provisions of this Act or any other Act and the Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the 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 28 for the purpose. (2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit. (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) may, at the instance of the local authorities concerned, be modified, from time to time, by the Government in such manner as they deem fit, and any such decision with the modifications, if any, made therein under this sub-section may, at the instance of such local authorities, be cancelled at any time by the Government. Any such decision or any modification therein or cancellation thereof shall be binding on each of the local authorities concerned and shall not be liable to be questioned in any Court of law. (4) The powers of the Government under this section shall, where one of the local authorities concerned is the port authority of a major port, only be exercisable with the concurrence of the Central Government.

510. Legal proceedings.

- Where immediately before the date of commencement of this Act, any legal proceedings are pending to which the Madurai municipality as constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), is a party, then, the Madurai Corporation as constituted under this Act shall be deemed to be substituted for the said Madurai municipality in those proceedings.

510A. [Transitory provision. [Section 510-A, 510-B and 510-C was inserted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).]

(1)Notwithstanding anything contained in this Act, or in any other law for the time being in force, the 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 Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).(2)The Special Officer appointed under sub-section (1) shall hold office only [up to the 31st day of December 1996 or for such shorter period as the State Government may, by notification, specify in this behalf].

510B. Powers, authority and responsibilities of the municipal corporation, standing committees, etc.

- Save as otherwise provided in this Act, the 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 X.

510C. Power 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 (Tamil Nadu Act 26 of 1994), the 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 (Tamil Nadu Act 26 of 1994), as appear to them to be necessary or expedient for removing the difficulty:Provided that no such order shall be made after the expiry of two years from the date of commencement of the Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994).(2)Every order made under sub-section (1) shall, as soon as possible, after it is made, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is

so placed or the next session, the Assembly makes any modification in any such order or the Assembly decides that the order should not be made, 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.]

511. Act to be read subject to Schedule VII in regard to constitution of the Corporation of Madurai.

- Notwithstanding anything contained in this Act or any other law for the time being in force, in regard to the Corporation of Madurai constituted with effect on and from the 1st May 1971, the provisions of this Act shall be read subject to the rules in Schedule VII.

I

Rules Regarding Proceedings of the Council & Committees(See section 33)The Council

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 times as often as a meeting may be convened by the Mayor:

Provided that no meeting shall be held on a public holiday.Explanation. - The expression "public holiday" includes Sundays and any other day declared by the Government, by notification in the Tamil Nadu Government Gazette to be a public holiday.

3.

(1)No meeting shall be held unless at least 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 meeting shall be published in such manner as the Mayor may deem most expedient.

4. The agenda for the meeting of the council shall be prepared by the Mayor and the agenda for the standing committee constituted under the Act shall be prepared by the Commissioner in consultation with the chairman of the standing committee. On any subject included in the agenda for the meeting

of the 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 standing committee or placed before the standing committee before or at the time of the consideration of such subject by the standing committee.

5. At an ordinary meeting held in each of the months of April, June, August, October, December and February, the 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.

6.

(1)The Mayor shall call a special meeting within ten days on receiving a request in writing signed by such number of members as shall constitute not less than one-fourth 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 day's notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a separate communications addressed to each member and by advertisement in the local newspapers.

7. If the offices of Mayor and Deputy Mayor are vacant, the duties assigned to the Mayor by rules 2 to 6 shall be performed by the District Collector.

8. 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.

9. 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.

10. No business shall be transacted at any meeting unless there be present at least such number of members as shall constitute not less than one-third of sanctioned strength of the council.

11. No resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by such number of

members as shall constitute not less than two-thirds of the sanctioned strength of the council.

12.

(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 Mayor, Deputy Mayor or presiding member after each meeting. (2) The minutes book shall be open at the municipal office at all reasonable time to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of one rupee.

13.

(1) The council may appoint from among its own member committees for the purpose of inquiring into and reporting on any matter which is reserved by this Act for the decision of the council. (2) By a resolution supported by 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 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 members appointed to serve on the committee. 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.

14. The Commissioner may grant copies of the proceedings and records of the council and the standing committees 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 Evidence Act, 1872 (Central Act I of 1872) and copies certified may be used to prove the records of the council in the same manner as they may, under sub-section (5) of the section 78 of the said Act, be used to prove the proceedings of that body.

Standing Committee

15. Each standing committee shall meet at the municipal office at least twice in a month on such day and at such hour as the committee shall, from time to time, determine and notice of the meeting shall be given to the members at least three clear days before the date of the meeting.

16. The chairman of the standing committee may, at any time, call a meeting of the committee and shall do so within forty-eight hours of the receipt of a requisition signed by the Commissioner or by four members of the committee and stating the business to be transacted.

17. No business shall be transacted at any meeting of a standing committee unless there is quorum of four.

18. All questions which may come before 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 or casting vote.

19.

(1)All minutes of the proceedings of each standing committee shall be entered in a book and shall be signed by the chairman or presiding member after each meeting.(2)The minutes book of each standing committee shall be placed before the council at such times as it may appoint.

20. In any case in which two or more standing committees have passed conflicting decisions, and such conflict has not been adjusted, the matter shall be placed before a joint conference of the standing committees convened whose decision shall be final except in matters which have to be placed before the council, such joint conference being convened by the chairman of the first committee concerned and if the conflict has not been adjusted or settled by a joint conference, 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.

21. 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.

22. If the chairman of a standing committee fails to convene any meeting, in a month, the Mayor or in his absence, the Deputy mayor shall convene such meeting.

II

Taxation Rules(See section 169)

Part I – Provisions common to taxes in general

1.

(1)The Commissioner shall prepare and keep assessment books in such form and in such parts and section, 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 authorised agent and such person or agent shall be entitled to take extracts, free of charge from the said books and records.(3)The account books of the corporation shall be open without charge to inspection by any person who pays any tax to the corporation or his authorised agent on a day or days in each month to be fixed by the council.

2. The Commissioner shall, save as otherwise provided in this act, determine the tax 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.

3.

(1)The Commissioner shall give to every person making payment of a tax a receipt therefor signed by him or some person duly authorised by him in that behalf.(2)such receipt shall specify -(a)the date of the grant thereof;(b)the name of the person to whom it is granted;(c)the tax in respect of which 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.[Part II] [Substituted by G.O. Ms. No. 1180, Municipal Administration and Water Supply, dated the 10th December 1987.] Assessment of Property Tax

4. The Commissioner may, by giving publicity in the local newspapers and otherwise require the owner or the occupier of, any land or building, oi 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.

5. If any person fails to file a return within the notified time, the Commissioner may authorise any person not below the rank of a Bil Collector to enter upon and make an inspection of the assessable item and prepare the return.

6. The Commissioner shall assess the property tax having regard to, -

(1)the annual value of the assessable item as on the 1st October 1978;(2)the property tax payable by the owner or the occupier on the basis of the particulars filed 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.

7.

(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 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 the 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.

8. 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.

9. Consequent on the verification made under rule 8, 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 III – [Repealed by section 31 of Tamil Nadu Act 24 of 1992]

Part IV – Tax on carriages and animals

(See section 142)

19.

(1) The tax on carriages and animals shall be levied at rates not exceeding the following:-

Description of carriage or animal	Maximum half-yearly tax
(1)	(2) Rs.
For every four-wheeled vehicle with springs or other appliances 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 Perambulator	5
For cycle rickshaw	10
For hand-cart with springs or other appliances acting as springs	10
For elephant	15
For camel	10
For horse or mule not under 12 hands	10
For bullock or bull	4
For horse or mule under 12 hands	5
For male buffalo	4
For pig	4
For goat	4
For ass	4
For dog	2

(2) If within the half-year a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), the said person, in case the replacement was due to the destruction of the carriage or the death of the animal and if he had possession, custody or control of the carriage or animal so replaced at the time of its destruction or death shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of 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.[Part V] [Substituted by G.O. Ms. No. 1180, Municipal Administration and Water Supply, dated the 10th December 1987.] Revision of Assessment

20.

(1)There shall be one or more Taxation Appeal Tribunal (hereinafter referred to in this part as "the Tribunal" 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 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)Tine salary and other allowances payable to the Tribunal shall be borne from the funds of the corporation.

21. No person who fails to file the return within the notified time under rule 4 in Part II shall be entitled to appeal against any assessment order made by the Commissioner.

22. No appeal shall be entertained by the Tribunal unless the appellant deposits in the corporation the existing tax and also fifty per cent of the difference between the existing tax and the tax as assessed by the Commissioner in the revision.

23. An appeal against the decision of the Tribunal may be filed within thirty days from the date of the order to the District Judge.

24.

(1)Every appeal filed under this part shall be entered in a register maintained for the purpose by the Tribunal.(2)The Tribunal shall give to 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 authorised agent before the Tribunal.(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 a 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 169)

28.

(1)Where any tax, not being a tax in respect of which a notice has to be served under section 135 or section 147 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 29.(2)A notice under section 135 or section 146 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 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.

29.

(1)If the amount due on account of any tax is not paid within fifteen days from the service of the notice or bill referred to in section 135 or section 147 or rule 28 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 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 building or land the amount due on account of the tax together with the warrant fee and distraint fee and with 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 that movable property described in the proviso to subsection (1) of section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908) shall not be liable to distraint.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 a sufficient distraint of the defaulters 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.

29A. [Notwithstanding anything contained in any rule in this part; it shall not be necessary for the Commissioner to serve any notice for the levy of any collection of property tax under section 117.] [Substituted by C O. Ms. No. 1179, MAWS, dated the 10th December, 1987.]

30. 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.

31. 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)give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale:Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

32. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the tax due by the defaulter; together with all expenses incidental to the warrant distraint, detention and sale.

33.

(1)If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 31 and if the distraint warrant is not suspended by the 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 or the property, the Commissioner may again proceed under rules 29 and 30 in respect of the sum remaining unpaid.(2)Where the property seized is perishable or subjected 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.(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 29 and 30; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the Commissioner that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

34. (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:-

Sum distrained for	Fees
Under one rupee	0.25
One rupee 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 basic servants kept in charge of the distrained property namely, nineteen paise daily for each basic servant.

35. (a) The movable property of a defaulter may be distrained wherever it may be found within the State of Tamil Nadu.

(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 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 modifications set out in the following sub-rules, the provisions of rules 32 to 34 (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 30, 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 the 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 33, 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.

36. If the tax due on account of any building or land remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 29, the Commissioner may, if the said tax has 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 may distrain and sell any movable property found on the building or land and the provisions of the foregoing rules shall mutatis mutandis apply to all distraint and sales effected under this rule:

Provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule unless he has wilfully prevented distraint or a sufficient distraint.

37. 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 29 and if such person has left India or cannot be found, the said tax or such part thereof as remain unpaid together with all sums payable in connection therewith shall be recoverable as if it were an arrear of land revenue.

38.

(1)Every person who is prosecuted under sub-rule (2) of rule 29 shall; be liable on proof to the satisfaction of the Magistrate that he wilfully 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 expense 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 record summarily and pay over to the corporation, the amounts, if any, due and the heads specified in clauses (a) and (b) of sub-rule (1), and any, 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.

39. 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.

40. In these rules the expression "tax" includes payments due byway composition for a tax.

III

Financial Rules(See section 172)

Part I – Authorised Expenditure

1. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by bye-laws or rules and in general everything necessary for or conducive to the safety, health, convenience or education of the residents of Madurai 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 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 Government.

2. The objects 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 undertakings for lighting public and private streets, places and buildings;(b)extinction of fires;(c)control, supervision or removal of dangerous places, buildings, trades and practices;(d)Regulation of traffic;(e)Prevention and removal of obstructions in streets or public places;(f)The giving of relief and the establishment and maintenance of relief works in time of famine or scarcity.

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 of reception for the sick in general; contributing towards hospitals, dispensaries, or places of reception provided by the 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 Government Co 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, medical practitioners, medical subordinates, sanitary inspectors and analysts; the training of mid wives and nurses and provision of nurses for attendance on patients suffering from infectious diseases at the houses of such person, the provision of health visitors, midwives and dhais for attendance on maternity cases; vaccination and the training and supervision of vaccinators and the provision of lymphy; the registration of 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; or shop, stalls and plinths of latrines; of drains and drainage works, of sewage farms and all works for the removal or disposal of sewage; of water-works, drinking fountains, tanks and wells, of wash-houses or salavaithuraikals, or parks, squares and gardens; the reclamation of unhealthy localities and other sanitary measures of a like nature;(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, or unhealthy buildings or localities or and of burial and burning grounds and crematoria, improvement of burial and burning grounds and crematoria and the provision of sites for and the closing of burial and burning grounds, the provisions of new sites for offensive and dangerous trade and of special locations for factories, the acquisition of congested areas and the provision of new sites whether within or without the city to relieve congestion or to provide for the growth of population, improvement, and reclamation of land, planning, surveying and control of town extension, whether within or without the city, redistribution of, sites in such extensions and all measures of a like nature;(e)The acquisition, construction, maintenance, enlargement, improvement, alteration, repairs, management and letting of dwelling houses for the use of the working classes as well as the middle classes and of any building 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 such 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, and the encouragement of cooperative building societies by-loans, grants of land or prizes, the removal of projections and encroachments; the naming of streets; the number 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;(c)Subject to all provisions of law the construction, maintenance, purchase, or exploitation of transport services, railways not included, of telephone systems, grass farms, dairies, public bakeries and other agricultural,

industrial or trading concerns of public utility, either within or without the City 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, reading rooms, museums, art galleries, gymnasias or any other institutions connected with the diffusion of mental or physical culture;(g)The construction of boat-houses and wharves;(h)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;(i)The provision and maintenance of public baths, bathing places, and swimming pools;(j)The provision of music for the people;(k)The provision and maintenance of colonies for the corporation establishment;(l)The provision and maintenance of public clocks and clock-towers or of a time-gun;(m)The construction and maintenance of school houses and midday meals centres in the city;(n)Primary, secondary and high school education;(o)Technical and industrial education;(p)The training of teachers;(q)The provision of standard weights, scales and measures and of public weighing places;(r)The holding of exhibitions or fairs;(s)The provision and maintenance of rest houses, choultries, alms houses, poor houses, homes or settlements for beggars, workhouses, infirmaries and children's homes, pounds and other works of public utility;(t)The organisation and maintenance of health associations and the provisions and organisation of health propaganda work in slums and other areas;(u)The organisation and maintenance of maternity and child welfare centres and associations for the prevention of juvenile smoking and cruelty to children and training of health visitors;(v)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 fitting and insurance;(b)Salaries, allowances, liveries, pensionary and provident fund contribution, 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 including the Pasteur Institute, Coonoor for treatment; the purchase of provisions and other necessities for sale to municipal subordinates.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 council;(d)Legal expenses;(e)Election expenses;(f)Auditors fees;(g)The provision and maintenance of municipal workshops and factories for the manufacture of electrically driven vehicles, lorry station 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 purposes of this Act.

6. Subject to such rules as may be prescribed as regards the detailed specifications of services, works and institutions, it shall be the duty of the standing committee to make such provision as it thinks fit for carrying out the requirements of the City in respect of the following matters, namely:-

A. Water-supply, drainage, sanitation and lighting (i) Water-supply. - All items of work connected with the construction, establishment, maintenance, supervision and control of water works and protected water-supply except items of work relating to routine repairs and routine maintenance. Explanation. - In this rule the expressions "routine repairs" and "routine maintenance" means such items of work as may be specified by the Government by order from time to time. (ii) Drainage. - Construction of drains (open and underground) including connection of house drains with public drains and the construction of sewage farms and all works for the removal or disposal of sewage. (iii) Lighting. - Provision and maintenance of electric lights in all public streets. B. Health Protection (iv) Water analysis. (v) Prevention of adulteration of food. (vi) Control, supervision or removal of dangerous places, buildings, trades and practices. (vii) Preventive and remedial measures connected with any epidemic or endemic diseases or with malaria. (viii) Opening and maintenance of burial and burning grounds. C. Medical Relief (ix) Opening and maintenance of infectious diseases hospitals, (x) Opening and maintenance of tuberculosis clinics. D. Public Amenities (xi) Maintenance of park and zoological gardens. (xii) Provision and maintenance of public clocks, and clock-towers or of a time-gun. (xiii) Construction and maintenance of poor-houses, orphanages, industrial houses and special houses for diseased beggars. (xiv) Welfare of labour. E. Remunerative Enterprises (xv) Establishment and maintenance of workshops, (xvi) Opening and maintenance of public markets and control of private markets. (xvii) Control of fairs and festivals. (xviii) Opening and maintenance of public landing places, halting places, bus and taxi stands and opening shelters in bus stops. (xix) Opening and maintenance of public slaughter-houses and control of private slaughter-houses. (xx) Establishment and maintenance of lorry stations. (xxi) Sport stadia including swimming pools, specified as such by the standing committee. (xxii) Framing of schemes relating to fisheries. (xxiii) Establishment and maintenance of cold storages. F. Communications (xxiv) Construction, repair and maintenance of roads classified as "main roads", construction and re-construction and maintenance of bridges on "main roads" and construction and re-construction of bridges on "sub-roads": Provided that only bus routes shall be classified as "main roads", all other roads being classified as "sub-roads". (xxv) Purchase and maintenance of steam and motor road rollers and lorries and maintenance of a central Asphalt plant. G. Education (xxvi) Opening and maintenance of secondary schools. (xxvii) Provision of midday meals and clothing to poor children in schools. H. Town Planning (xxviii) All matters connected with town-planning in the City. (xxix) Housing, including the clearance and improvement of slums.

7. The Commissioner may with the sanction of the council, contribute towards the expenses of any public exhibition, ceremony or entertainment in the city.

8. The Commissioner may, with the sanction of the council, defray the cost of the preparation and presentation of address to persons of distinction.

9. The Commissioner may, with the sanction of the council and of the Government contribute to any fund for the Defence of India, or to any charitable fund, or 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 or incur any other extraordinary charges.

Part II – 10. All moneys received by the corporation shall be lodged in the State Bank of India or with the sanction of the 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 the Government-(i)be invested in any of the securities specified in section 20 of the Indian Trusts Act, 1882 (Central Act II of 1882) or in any other security which may be approved by the Government; or(ii)be placed on a fixed deposit in the State Bank of India or in any other bank approved by the Government.

11.

(1)All orders or cheques against the municipal fund shall be signed by the Commissioner or any officer or servant of the corporation specially authorised 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 or cheques against the fund which are so signed.(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 Government have incurred on behalf of the corporation.

12. The payment of any sum out of the municipal fund may be made or authorised by the Commissioner if such sum is covered by a budget grant and a sufficient balance of such budget-grant is available.

13. The payment of any sum out of the municipal fund may be made or authorised by the Commissioner in the absence of budget provision in the case of-

(a)refunds of taxes and other moneys authorised by law, rule, by-law or regulation;(b)repayments 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 power under section 15;(d)sums payable under section 45(1)(c) and section 185(2);(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 proceedings 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 III; and(h)expenses incurred by the Commissioner under sub-section (3) of section 416 and expenses lawfully incurred in anticipation of recoupment from a person liable under any provisions of law;Provided that the Commissioner shall forthwith communicate the circumstances to the standing committee which shall take any action that may in the circumstances be necessary of expedient to cover any expenditure not covered by a budget-grant.

Part III – Audit, Surcharge and Disallowance

14. The auditors appointed under section 171 shall maintain and keep a continuous audit of the municipal accounts.

15.

(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.

16. 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 appear in person before them; and(c)require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

17. The auditors shall-

(a)report to the standing committee any 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 standing committee such information as the said committee may require concerning the progress of their audit;(c)report to the 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 (d) submit to the standing committee a final statement of the audit and a duplicate copy thereof to the Government within a period of three months from the end of the financial year, or within such other period as the

Government may notify.

18.

(1)The Commissioner shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and send a report of the same to the standing committee which shall forward the report to the council.(2)The council shall forward its remarks on the audit report, if any, to the Government through the Examiner of Local Fund Accounts within six months after the receipt of the report by the council.

19. Copies of all correspondence addressed to or by the standing committee or its chairman-

(a)on all matters falling within the scope of rules 17 and 18; 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 standing committee, as the case may be.

20.

(1)The auditors may disallow every item contrary to law and surcharge the same on the persons making or authorising the making of the illegal payment, and may charge against any person responsible therefor 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.Explanation. - It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.(2)The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge, or charge and furnish 'by registered post a copy thereof to the person against whom it is made.(3)If the person to whom a copy of the auditors 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 21 and 22 shall be calculated from the date of such refusal.

21.

(1)Any person aggrieved by disallowance, surcharge or charge made, may, within fourteen days after the has received or been served with the decision of the auditor, either-(a)apply to the District Judge in the city 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 Government who shall pass such orders as they think fit.(2)From any decision of the Court under clause (a) of sub-rule (1), an appeal shall lie to the High Court.;

22. Every sum certified to be due from any 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 Government against the decision, and such sum if not so paid, or such sum as the Court or the Government shall declare to be due, shall be recoverable on an application made by the Commissioner to the Court in the same way as an amount decreed by the Court.

23. [] [Rules 23 and 24 were renumbered as rules 24 and 25 respectively and before the rule 24 as so renumbered new rule 23 was inserted by G. O. Ms. No. 1959, RD & LA, dated the 4th September 1974.] Interest at the rate of six per cent per annum shall be charged on the disallowance, surcharge or charge amount due, with effect from the day following the last date fixed for payment of the said disallowance, surcharge or charge amount in the auditor's certificate referred to in sub-rule (1) of rule 20. The interest so charged on the disallowance, surcharge or charge amount overdue shall be specified in the said certificate itself in precise terms, as laid down in section 34 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

24. [] [Rules 23 and 24 were renumbered as rules 24 and 25 respectively and before the rule 24 as so renumbered new rule 23 was inserted by G. O. Ms. No. 1959, RD & LA, dated the 4th September 1974.] The corporation shall pay to the auditors out of the municipal fund such remuneration as the Government may determine.

Part IV – Form of Accounts

25. [] [Rules 23 and 24 were renumbered as rules 24 and 25 respectively and before the rule 24 as so renumbered new rule 23 was inserted by G. O. Ms. No. 1959, RD & LA, dated the 4th September 1974.] The council shall make regulations, subject to the approval of the 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.

IV

Purposes for which places may not be under section 360 used without a licence(See section 360)Aerated Waters - Manufacturing.Ammunition - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Arrack - Manufacturing.Articles made of flour - Baking, preparing, 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.Beedies - (Beedi leaves) manufacturing, storing or selling.Beer - Brewing.Biscuits - Baking, preparing, keeping or storing for human consumption (for other than domestic use).Blood - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Bones - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Bran - Selling, wholesale or retail or storing for wholesale or retail trade.Bread - Baking, preparing, keeping, storing for human consumption (for other than domestic use).Bricks - Manufacturing.Camphor - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever or boiling.Candles - Packing, pressing, cleansing, preparing or manufacturing by any process whatever.Carpets - Manufacturing.Cashewnuts - Burning and extracting kernels from cashewnut.Catgut - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Cement - Packing, pressing, cleansing, preparing or manufacturing by any process whatever.Charcoal - Dumping, sifting, selling or storing.Chemical preparations - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Chillies - Grinding by machinery.Chillies (Dried) - Selling wholesale or retail or storing for wholesale or retail trade.Chlorate mixture - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Cinders - Storing, packing, pressing, cleansing, preparing or manufacturing-by any process whatever, dumping or sifting.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, cleansing, preparing or manufacturing by any process whatever.Combustible material - storing.Combustible - Baking, preparing, keeping or storing for human consumption (for other than domestic use).Condiments - Manufacturing.Confectionery - Baking, preparing, keeping or storing for human consumption (for other than domestic use).Cotton - Selling wholesale or retail, storing for wholesale, or retail trade or for conversion into, yam, packing, pressing, cleansing, preparing or manufacturing by any process whatever.'Cotton refuse, cotton seed - Selling wholesale or retail trade, 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.Explosive - Storing.Fibre - Selling or storing.Fat - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Fins - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever.Firewood - Selling or storing.Fireworks - 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 - Selling wholesale or retail, storing for wholesale or retail trade, packing,

pressing, cleansing, preparing or manufacturing by any process whatever. Fuel - Using for any individual 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. Glass - Industry. Gold - Refining. Grain - Selling wholesale or retail or storing for wholesale or retail trade. Gram - Husking by machinery. Grass - Selling or storing. Gravel or metal - Digging. Groundnut - Selling wholesale or retail or storing for wholesale or retail trade. Gilding or electro - plating. 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. Gun Powder - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever. Flair - 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. 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. 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. Keeping a shaving or hair-dressing saloon. Keeping together pigs or twenty or more sheep or goats or ten or more head of cattle. 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. Limeshell - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever. Manufacturing articles from which offensive or unwholesome smells, fumes, dust or noise arise. Manure - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever. Machinery - Other than such machinery as may, by notification, be exempted by the 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. 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. Nitroglycerine - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever. Nitro Mixure - 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 or boiling. 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 or packing. Paddy - Boiling or husking by machinery. Paper - Packing, pressing, cleansing, preparing or manufacturing by any process whatever. 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 in quantities exceeding those to which the operation of this Act, is limited by the provisions of the Petroleum Act, 1934 (Central Act XXX of 1934) or the rules or notifications issued thereunder. Pitch - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever. Pottery - Tacking, pressing, cleansing, preparing, or manufacturing by any process whatever. Pulses and agricultural products which are likely to attract rats - 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. 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. Shell - 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, 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 or melting. Surki - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever. Sweetmeats - Baking, preparing, keeping or storing for human consumption (for other than domestic use). Syrup - Preparation 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. 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. Washing soiled clothes or keeping soiled clothes for purpose of washing them or keeping washed clothes. Wool - Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever, dyeing or drying. Yam - Dyeing: Provided that no licence shall be required for the storage only of any of the articles mentioned in this Schedule or 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 by the Commissioner.

V

Ordinary Penalties(See section 442)

Section or rule	Subsection or clause	Subject	Fine which may be imposed
(1)	(2)	(3)	(4)
35	(1)	Interested councillor voting or taking part in discussion	Four hundred rupees.

127	(1) and (3)	Failure to give notice of transfer of title or to produce documents.	One hundred rupees.
128	(1)	Failure to send notice to Commissioner after completion of construction or re-construction of building.	One hundred rupees.
131	(1)	Failure of owner or occupier to furnish return of rent, etc.	Two hundred rupees.
137		Failure of owner or occupier to comply with requisition to furnish list of persons carrying on profession, art, etc.	Two hundred rupees.
138		Failure of employer or head of an office, firm or company to comply with requisition to furnish list of persons in his employ.	Two hundred rupees.
145		Failure of occupier to comply with requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement, etc.	Twenty rupees.
146	(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.	Twenty rupees.
148	(1) and (2)	Failure to comply with order to affix and register number of carriage.	Twenty rupees
151	(1)	Failure of owner to register cart	Twenty rupees
151	(2)	Failure to have or keep registration number affixed to cart.	Twenty rupees.
158		Erecting exhibiting fixing retaining or displaying advertisement without the written permission of the Commissioner.	
		(i) if the advertisement relates to any trade or business.	One hundred rupees.
		(ii) if the advertisement does not relate to any trade or business.	Ten rupees.
197		Trespassing on premises connected with water-supply.	One hundred rupees.
199		Failure to maintain house connections in conformity with by-laws.	One hundred rupees.
200	(2) and (4)	Failure to comply with requisition to make house connection	One hundred rupees.
200	(3)	Occupying or allowing occupation of house without proper water-supply.	One hundred rupees.

209		Failure to maintain house drains, etc., inconformity with by-laws.	One hundred rupees.
210	(2) and (3)	Failure to comply with requisition as to housedrainage.	One hundred rupees.
210	(4)	Occupying or allowing occupation of housewithout proper drainage.	Four hundred rupees.
212(b)	(1)	Failure to comply with direction as to limiteduse of drain or notice requiring construction of distinct drain.	One hundred rupees.
213	(1)	Unlawful construction of building over publicdrain.	Two hundred rupees.
214		Failure to comply with requisition regardingculverts or to keep them free from obstruction.	One hundred rupees.
215		Failure to comply with requisition to maintaintroughs and pipes for catching, etc., water from roof or otherpart of building.	One hundred rupees.
217	(2)	Keeping of public latrine without licence	One hundred rupees.
217	(3)	Allowing public latrine to be in uncleancondition or improper order.	One hundred rupees.
218		Failure to comply with requisition to providelatrine or to remove latrine to another site and failure to keeplatrines clean and in proper order.	One hundred rupees.
219		Failure to provide latrines for premises used bylarge number of people or to keep them clean and in proper order.	Two hundred rupees.
220		Failure to comply with requisition to providelatrines for market, cattle-shed or cart-stand or to keep themclean and in proper order.	Two hundred rupees.
221		Failure to construct latrines so as to screenpersons using them from view	Forty rupees.
223		Making connection with mains without permission.	Four hundred rupees.
227	(1)	Failure of occupier to comply with direction to collect rubbish and filth and deposit them in a box or basket or other receptacle or his own at or near premises.	Twenty rupees.
227	(2)	Failure to comply with direction to collectrubbish and filth accumulating in	Twenty rupees.

		latrine and to deposit in municipal carts.	
227	(3)	Failure to comply with direction to collect rubbish and filth and deposit them in public receptacle.	Twenty rupees.
228	(a)	Failure to comply with direction to collect and remove rubbish and filth accumulating on business premises.	Twenty rupees.
234	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours.	Forty rupees.
234	(2)	Irregular deposit of rubbish or filth.	Twenty rupees.
234	(3)	Depositing carcasses of animals rubbish or filth in improper places.	Forty rupees.
234	(4)	Keeping rubbish or filth for more than twenty-four hours, etc.	Twenty rupees.
234	(5)	Allowing filth to flow in streets.	Forty rupees.
243	(3)	Building within street alignment or building line without permission.	Two thousand rupees.
244	(1)	Failure to comply with orders to set back buildings.	One thousand rupees.
248		Unlawful displacement, etc., of payment of fines, posts and other materials of public street.	One hundred rupees.
250		Failure to provide street or roads on building sites prior to disposal.	Four hundred rupees.
251		Unlawful making or laying of new street.	One thousand rupees.
254		Failure to comply with requisition to metal, etc., private street.	Two hundred rupees.
256		Building wall or erecting fence, etc. in a street or any public place vested in the control of the corporation.	Two hundred rupees.
257		Allowing doors, ground floor windows, etc., to open outwards without licence or contrary to notice.	Forty rupees.
258		Failure to remove permanent encroachments.	Four hundred rupees.
259		Failure to remove temporary encroachments.	One hundred rupees.
262		Unlawful removal of bar of storing of timber, etc., or removal or extinction of light.	One hundred rupees.
263	(1)	Unlawful making of hole or placing obstruction in street.	One hundred rupees.
264		Construction, etc., of building without	One hundred rupees.

		licence where street or footway is likely to be obstructed.	
264		Failure to fence, etc., such building while under repair.	One hundred rupees.
265		Failure to remove obstruction.	One hundred rupees.
266	(3)	Unlawful destruction, etc., of name of street.	Forty rupees.
267	(2)	Unlawful destruction, etc., of number of buildings.	Forty rupees.
267	(3)	Failure to replace number when required to do so.	Forty rupees
269	(5)	Constructing or re-constructing buildings contrary to declaration issued by council.	Four hundred rupees
270	(1)	Failure to comply with requisition to round or play off buildings at corners of street	Two hundred rupees
271		Construction, re-construction or retention of external roof, etc., with inflammable materials.	One hundred rupees.
274	(1)	Failure to obtain permission before beginning the construction or re-construction of a building.	One hundred rupees
286	(1)	Failure to obtain permission before demolishing a building.	One hundred rupees
294		Failure to keep external walls of premises in proper repair	Forty rupees.
300		Failure of owner of hutting ground to comply with requisition to open up passages, etc., to remove hut or to effect improvements.	Four hundred rupees.
301	(1)	Failure of owner of hutting ground to comply with requisition to prepare and submit plan.	Two hundred rupees.
303		Construction of new buildings or huts or additions to existing buildings or huts before the preparation and approval of plan.	Four hundred rupees.
304		Construction of new buildings or huts or additions to existing buildings or huts if situated in sites not marked in the standard plan	Four hundred rupees.
305	(1)	Failure of owner of building or hut to comply with requisition to remove whole or part of it.	Four hundred rupees.

306	(1)	Failure of owner of hutting ground to comply with notice to effect improvements and to conserve or fill up tank, well, etc.	Four hundred rupees.
306	(2)	Erection of new building or hut or making addition to existing building or hut before compliance with notice under sub-section (1)	Four hundred rupees.
309		Failure of owners of buildings or huts or owners of hutting ground to comply with notice to carry out improvements	Four hundred rupees.
319	(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	Four hundred rupees
319	(3)	Failure of tenants to comply with notice to repair street, etc.	Two hundred rupees
322	(3)	Failure to remove all buildings or huts	Four hundred rupees.
322	(5)	Failure of owner of land to comply with notice to carry out improvements.	Four hundred rupees.
323	(4)	Erection of hut or portion of hut within street alignment.	Two hundred rupees.
324	(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.	Four hundred rupees.
325		Failure of person who erects a masonry building to comply with notice to leave a clear space of 4.5 metres between the centre line of street or passage or street alignment and the nearest part of such building	Four hundred rupees.
327		Failure to comply with requisition to take down or repair or secure dangerous structure.	One thousand rupees.
328		Failure to comply with requisition to secure or cut down dangerous tree.	One hundred rupees.
329		Failure to comply with requisition to repair, etc., tank or other place dangerous to passer-by or persons living in neighbourhood.	One hundred rupees.
330		Failure to comply with notice regarding precautions against fire.	Two hundred rupees.
331	(1)	Constructing well, etc., without permission	One hundred rupees.
331	(3)		One hundred rupees.

		Failure to comply with notice to fill up ordemolish well, etc.	
332		Failure to comply with requisition to stopdangerous quarrying.	Two hundred rupees.
333	(1)	Failure to comply with requisition to fill up,etc., tank or well or drain off water, etc.	One hundred rupees.
333	(3)	Cultivating contrary to prohibitions orregulations.	One thousand rupees.
334		Failure to comply with requisition to cleanse orclose, etc., tank, well or other source of water used fordinking, bathing or washing clothes.	One hundred rupees.
336		Unlawful washing and fishing in river or estuaryafter prohibition or contrary to regulation.	Forty rupees.
337		Defiling water in tanks, etc., by putting orcleansing any lorry, bus or other like vehicles.	Four hundred rupees.
337		Defiling water in tanks, etc., by throwing,putting anything other than lorry, bus or other like vehicles orcausing to enter any animal.	One hundred rupees.
338		Failure to comply with requisition to encloseclear or cleanse untenanted buildings.	One hundred rupees.
339		Failure to comply with requisition to clear orcleanse, etc., the building or land filthy state or over-grownwith any thick or noxious vegetation.	One hundred rupees.
340		Failure to comply with requisition to abatenuisance caused or likely to be caused by dumping, etc., of coalashes etc.	Two hundred rupees.
341		Failure to comply with requisition to fencebuilding or land or trim, prune or cut hedges and trees or loweran enclosing wall.	One hundred rupees.
342		Failure to comply with requisition to lime was,or otherwise cleanse building.	One hundred rupees.
343		Failure to comply with requisition to executework or take other action with respect to insanitary buildings.	Two hundred rupees in the case of masonry-buildings and onehundred rupees in the case of huts.
344	(2)	Using or allowing the use of building unfit	Forty rupees for each day.

		for human habitation after prohibition.	
344	(4)	Failure to comply with requisition to demolish the same.	Forty rupees for each day.
345	(1)	Allowing overcrowding in building after order to abate the same.	Forty rupees for each day.
345	(4)	Failure to comply with requisition to vacate overcrowded building or room.	Forty rupees for each day.
349	(1)	Keeping eating-house, tea-shop, etc., without licence or contrary to licence.	Two hundred rupees.
350	(a)	Unlawful keeping of pigs	Forty rupees.
350	(b)	Unlawful keeping of animal so as to be an nuisance or danger.	Forty rupees.
350	(c)	Feeding of animals on filth	Forty rupees.
352		Use of place as stable cattle shed, etc., without licence or contrary to licence.	One hundred rupees.
354		Construction or maintenance of stable cattle shed, etc., contrary to Act or subsidiary legislation.	One hundred rupees.
356		Using a public place or the sides of a public street as a public landing place, etc.	Four hundred rupees.
358	(1)	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Four hundred rupees.
359		Failure to remove carcass of animal.	Forty rupees.
360	(1)	Using a place for any of the purposes specified in Schedule IV without licence or contrary to licence.	Four hundred rupees.
361	(1), (2) and (3)	Unlawful erection of factory workshop workplace or machinery.	Two thousand rupees.
361	(5)	Disobedience of order regarding chimneys.	One thousand rupees.
362	(1)	Disobedience of order regarding abatement of nuisance.	Two hundred rupees.
362	(2)	Disobedience of order prohibiting the working of factory, etc., or the use of particular fuel.	Four hundred rupees.
363		Failure to comply with requisition to put factory, etc., in order to abate overcrowding, etc.	One thousand rupees.
364		Disobedience of order regarding abatement of nuisance or danger to life, etc.	Two hundred rupees.
370	(2)	Washing of clothes by washerman at	Forty rupees.

		unauthorized places.	
372		Use of place as slaughter-house without licence or contrary to licence.	Four hundred rupees.
374		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.	Forty rupees for every animal, carcass, or skin
377		Carrying on milk trade without licence or contrary to licence.	One hundred rupees
380		Sale or exposure for sale in public market of animal or article without permission or contrary to permission.	One hundred rupees
381	(2)	Opening private market without licence or contrary to licence.	One thousand rupees
382		Keeping open private market without licence or contrary to licence.	One thousand rupees
385		Sale or exposure for sale of animal or article in unlicensed private market.	One hundred rupees
386		Failure to comply with direction to construct approaches, drains, etc., to private markets or to pave them, etc.	One hundred rupees
387	(1)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	One hundred rupees for each day.
388		Breach of market regulations.	One hundred rupees.
390		Failure of person in charge of markets to expel person suffering from leprosy or other infectious or contagious disease.	One hundred rupees.
391		Carrying on butcher's, fishmonger's or polluter's trade without licence, etc.	Two hundred rupees.
392		Sale or exposure for sale of animal, article in public streets, entry, etc.	Forty rupees.
396		Preventing the Commissioner or any person authorized by him from exercising his powers of entry, etc., under section 395.	One hundred rupees.
398		Removing or in any way interfering with an animal or article seized under section 397.	One thousand rupees.
402	(1)	Opening, etc., without licence a new place for the disposal of the dead.	Two hundred rupees.
404	(4)	Use or allowance of use of unlicensed burial or burning ground.	One thousand rupees.

404	(4)	Use or allowance of use of unregistered burial or burning ground.	Two hundred rupees.
405		Failure to give information of burial or burning in burial or burning ground.	Forty rupees.
406		Construction of vault or grave or burial of corpse in place of public worship.	One thousand rupees.
407	(3)	Burial or burning in place after prohibition	Four hundred rupees.
408		Burial or burning etc. of corpses	One hundred rupees.
410		Discharge of office of grave digger or attendant at place for disposal of dead without licence.	Forty rupees.
412		Failure of medical practitioner or owner or occupier to give information of existence of infectious disease in private or public dwelling.	One hundred rupees.
416		Failure to comply with requisition to cleanse or disinfect building or article.	One hundred rupees.
418	(2)	Washing of infected articles at unauthorized places.	One hundred rupees.
419		Giving, lending, etc., of infected articles.	One hundred rupees.
420		Infected person carrying on occupation.	One hundred rupees.
421	(1)	Entry of infected person into public conveyance without notifying fact of infection.	One hundred rupees.
422	(1)	Failure to disinfect public conveyance, etc.	One hundred rupees.
422	(2)	Using before obtaining certificate from health officer a public conveyance in which an infected person travelled.	One hundred rupees.
423		Letting or sub-letting of infected building without obtaining certificate from the health officer.	Four hundred rupees.
424		Failure to close place of public entertainment.	Four hundred rupees.
425		Sending infected child to school.	One hundred rupees
426		Use or permitting use of book from public or circulating library by infected person.	One hundred rupees
427	(2)	Using water after prohibition.	One hundred rupees.
429		Failure to give information of small-pox.	One hundred rupees.
430		Entering city within forty days of variolation of small-pox without certificate.	Two hundred rupees.
441	(3)	Prevention of inspection of copies of rules and bylaws publicly exhibited.	One hundred rupees.
441	(4)		One hundred rupees.

		Destruction, etc., of board exhibiting printed copies of by-laws and rules.	
452	(7)	Failure to produce licence on request	Twenty rupees.
456		Failure to comply with requisition to attend, produce documents or to give evidence	Two hundred rupees.
466	(1)	Failure of occupier to comply with requisition to permit owner to comply with provisions of Act.	One hundred for each day.
468		Preventing the Commissioner or any person authorized by him for exercising his powers of entry, etc.	One hundred rupees.
500		Obstructing or molesting council, standing committee Mayor, etc.	Four hundred rupees.
501		Removing mark set up for indicating level, etc.	Four hundred rupees.
502		Removal, etc. of notice exhibited by or under orders of the corporation or Commissioner.	One hundred rupees.
503		Unlawful removal of earth sand or other material from land vested in corporation, or deposit of matter or encroachment in or on river estuary, etc.	One hundred rupees.
Sch III. R. 16		Failure to comply with requisition by auditor to attend, give evidence or produce document.	Two hundred rupees.

VI

Penalty for continuing breaches (See section 442)

Section or rule	Subsection or clause	Subject	Daily fine which may be imposed
(1)	(2)	(3)	(4)
158		Erecting exhibition fixing retaining or displaying advertisement without the written permission of the Commissioner --- (i) if the advertisement relates to any trade or business.	Ten rupees
		(ii) if the advertisement does not relate to any trade or business.	Four rupees.
199		Failure to maintain house connections in conformity with by-laws.	Ten rupees.
200	(2) and (3)	Failure to comply with requisition to make house connection.	Ten rupees.

209		Failure to maintain house drains, etc., in conformity with by-laws.	Twenty rupees.
210	(2) and (3)	Failure to comply with requisition as to housedrainage.	Twenty rupees.
210	(4)	Occupying or allowing occupation of house without proper drainage.	Forty rupees.
215		Failure to comply with requisition to maintaintroughs and pipes and catching, etc., water from roof or otherpart of building.	Twenty rupees.
217	(2)	Keeping of public latrine without licence.	Twenty rupees.
217	(3)	Allowing public latrine to be in an uncleancondition or improper order.	Twenty rupees.
218		Failure to comply with requisition to providelatrine or to remove latrine to another site and failure to keeplatrines clean and in proper order.	Twenty rupees.
219		Failure to provide latrines or for premises usedby large numbers of people or to keep them clean and in properorder.	Forty rupees.
220		Failure to comply with requisition to providelatrine for market, cattle shed or cart-stand or to keep themclean and in proper order.	Forty rupees.
234	(1) and (4)	Allowing rubbish or filth to accumulate onpremises for more than twenty-four hours.	Twenty rupees.
243	(3)	Building within street alignment or buildingline without permission	Two hundred rupees.
250		Failure to provide street or roads on buildingsites prior to disposal.	Twenty rupees.
258		Failure to remove permanent encroachment.	Twenty rupees.
259		Failure to remove temporary encroachment.	Ten rupees.
263	(1)	Unlawful making of hole or placing ofobstruction in street.	Twenty rupees.
264		Construction, etc., of building without licencewhere street or foot-way is likely to be obstructed.	Twenty rupees.
270	(1)	Failure to comply with requisition to round orsplay off buildings at corners of streets.	One hundred rupees.
271		Construction, re-construction or retention ofexternal roof, etc., with inflammable materials.	Twenty rupees.
294		Failure to keep external walls of premises inproper repair.	Twenty rupees.
300		Failure of owner of hutting ground to complywith	One hundred rupees.

		requisition to open up passages, etc., to remove hut or to effect improvement.	
301	(1)	Failure of owner of hutting ground to comply with requisition to prepare and submit plan.	Forty rupees.
305	(1)	Failure of owner of hutting ground to comply with requisition to remove whole or part of it.	Forty rupees.
306	(1)	Failure of owner of hutting ground to comply with notice of effect improvements and to conserve or fill up tank well, etc.	One hundred rupees.
309		Failure of owner of buildings or huts or owners of hutting ground to comply with notice to carry out improvements.	One hundred rupees.
319	(1) and (2)	Failure of owner of land to maintain in proper order and repair street passages, etc., and failure of owner of hut to maintain conveniences made by him.	One hundred rupees.
319	(3)	Failure of tenants to comply with notice to repair street, etc.	Forty rupees.
322	(3)	Failure to remove all buildings or huts.	One hundred rupees.
322	(5)	Failure of owner of land to comply with notice to carry out improvements	One hundred rupees.
324	(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.	One hundred rupees.
325		Failure of person who erects a masonry building to comply with notice to leave a clear space of 4.5 metres between the centre line of street or passage or street alignment and the nearest part of such building.	One hundred rupees.
329		Failure to comply with requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Twenty rupees.
330		Failure to comply with notice regarding precautions against fire.	Twenty rupees.
332		Failure to comply with requisition to stop dangerous quarrying.	Twenty rupees.
333	(1)	Failure to comply with requisition to fill up, etc., tank, well, drain off water, etc.	Twenty rupees.
334		Failure to comply with requisition to cleanse or close tank, well, etc., or other source of water used for drinking, bathing or washing clothes.	Twenty rupees.
338			Twenty rupees.

		Failure to comply with requisition to enclose clear or cleanse untenanted premises.	
339		Failure to comply with requisition to clear or cleanse, etc., building or land in filthy state or over-grown with any thick or noxious vegetation.	Twenty rupees.
340		Failure to comply with requisition to abate nuisance caused or likely to be caused by dumping, etc., of coal ashes, etc.	Forty rupees.
341		Failure to comply with requisition to fence building or land or trim prune or cut hedges and trees or lower an enclosing wall	Twenty rupees.
342		Failure to comply with requisition to lime-wash or otherwise cleanse building.	Twenty rupees.
343		Failure to comply with requisition to execute work or take other action with respect to insanitary buildings.	Twenty rupees in the case of masonry buildings and ten rupees in the case of hut.
349	(1)	Keeping a eating house, tea shop, etc., without or contrary to licence	Two hundred rupees.
350	(a)	Unlawful keeping of pigs	Ten rupees.
350	(b)	Unlawful keeping of animal so as to be an nuisance or danger	Ten rupees.
352		Use of place as stable, cattle, shed, etc., without licence or contrary to licence	Twenty rupees.
353		Construction or maintenance of stable, cattle shed, etc., contrary to act or subsidiary legislation.	Twenty rupees.
356		Using a public place or the sides of a public street as a public landing place, etc.	Forty rupees.
358		Keeping open a new private cart-stand without licence or contrary to licence	Forty rupees.
359		Failure to remove carcass of animals.	Ten rupees.
360	(1)	Using a place for any of the purposes specified in Schedule IV without licence or contrary to licence.	One hundred rupees.
361	(1), (2) and (3)	Unlawful erection of factory, workshop, workplace or machinery	Two hundred rupees.
361	(5)	Disobedience of order regarding chimneys.	One hundred rupees.
362	(1)	Disobedience of order regarding abatement of nuisance.	Two hundred rupees.
362	(2)	Disobedience of order prohibiting the working of the factory, etc., or the use of particular kind of fuel.	Four hundred rupees.

363		Failure to comply with requisition to put factory, etc., in order to abate over crowding, etc.	Two hundred rupees.
364		Disobedience of order regarding abatement of nuisance or danger to life, etc.	Two hundred rupees.
372		Use of places as slaughterhouse without licence or contrary to licence.	One hundred rupees.
377		Carrying on milk trade without licence or contrary to licence.	Ten rupees.
381	(2)	Opening private market without licence or contrary to licence.	Two hundred rupees.
382		Keeping open private market without licence or contrary to licence.	Two hundred rupees.
385		Sale or exposure for sale of animal or article in unlicensed private market.	Forty rupees.
387	(2)	Opening or keeping open of private market after suspension or refusal of license for default to carry out work	Ten rupees.
388		Breach of market regulations.	Twenty rupees.
390		Failure of person in charge of markets to expel person, suffering from leprosy or other infectious or contagious disease.	One hundred rupees.
391	(1)	Carrying on butcher's, fish monger's or poulterer's trade without licence, etc.	Twenty rupees.
392		Exposing of animals for sale without licence	Forty rupees.
401	(1)	Opening, etc., without licence a new place for the disposal of the dead.	Two hundred rupees.
416		Failure to comply with requisition to cleanse or disinfect building or article.	Twenty rupees.
420		Infected person carrying on occupation	One hundred rupees.
424		Failure to close place of public entertainment	Two hundred rupees.
427		Using water after prohibition	One hundred rupees.
Sch. III rule 16		Failure to comply with requisition by auditor to attend, give evidence of or produce document.	One hundred and fifty rupees.

VII

(See section 511) Transitional Provisions

1. In these rules-

(i)"appointed date" means the 1st May, 1971;(ii)"existing Madurai Municipal Council" means the Madurai Municipal Council constituted under the old Act and in existence on the appointed date;(iii)"Madurai Municipality" means the Madurai Municipality constituted under the old Act in existence on the appointed date;(iv)"old Act" means the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920);

2. Every local area which immediately before the appointed date was constituted as the Madurai Municipality under the old Act shall be, deemed to be the City under this Act.

3. The number of councillors of the existing Madurai Municipal Council notified under the old Act and in force on the appointed date shall be deemed to be the number notified under this Act.

4. The members of the existing Madurai Municipal Council including two members of the Scheduled Castes and one woman returned to the seats reserved respectively for the members of those castes and for women holding office as such on the appointed date shall be deemed to be members of the corporation under this Act and such members shall continue to hold office up to the date on which their term of office would have expired if this Act had not come into force.

5. If among the elected members of the existing Madurai Municipal Council, the number whether of the members of the Scheduled Castes or Scheduled Tribes or of women is less than the requisite number of persons specified in clause (a) or (b) of sub-section (3) of section 5, the existing Madurai Municipal Council may co-opt such number of members of the Scheduled Castes or Scheduled Tribes or women as may be necessary to ensure that the council includes three members of the Scheduled Castes or Scheduled Tribes and three women:

Provided that no person shall be co-opted under this rule unless such person is eligible for being elected as a councillor for the Madurai Municipality.

6. Any division of the Madurai municipality into wards made under the old Act and in force on the appointed date shall with effect on and from the date be deemed to be a division of the corporation into wards made under this

Act.

7. The chairman and vice-chairman of the existing Madurai Municipal Council holding office on the appointed date, shall subject to the provision of this Act continue to hold office as Mayor and Deputy Mayor respectively of the corporation [up to the date of the election of the Mayor or Deputy Mayor, as the case maybe, in the year 1972 under section 29-A of this Act.] [Substituted for 'up to the date referred to in rule 4' by Tamil Nadu Act XXII of 1972 with effect from 1st April 1972.]

8.

(1)Any vacancy in the office of a member of the existing Madurai Municipal Council which is in existence on the appointed date or which occurs before the date referred to in rule 4 shall be filled by election under the provisions of this Act.(2)Any person elected as member of the existing Madurai Municipal Council under sub-section (1) shall hold office only up to the date referred to in rule 4 and shall be deemed to be a member of the council of the corporation constituted under this Act.Explanation. - For the purposes of this rule, the office of member of existing Madurai Municipal Council to which no person had, at any time prior to the appointed date, been elected shall be deemed to be vacant that date.

9. All proceedings taken by or against the existing Madurai Municipal Council or other authority of the Madurai Municipality under the old may, in so far as they are riot inconsistent with the provisions of this Act, continued by or against the corporation constituted under this Act or Commissioner of the corporation, as the case may be.

10. Any remedy by way of application, suit or appeal available to against the existing Madurai Municipal Council immediately before appointed date shall after that date be available to or against the corporal constituted under this Act.

11. Any action taken by the existing Madurai Municipal Council mediately before the appointed date shall be deemed to have been take the corporation constituted under this Act Unless and until superseded by action taken by that corporation.

VIII

[xxx] [Inserted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994) and omitted by Tamil Nadu Municipal Laws (Third Amendment) Act, 1996 (Tamil Nadu Act 22 of 1996).]

IX

[xxx] [Inserted by Tamil Nadu Municipal Corporation Laws (Amendment and Special Provision) Act, 1994 (Tamil Nadu Act 26 of 1994) and omitted by Tamil Nadu Municipal Laws (Third Amendment) Act, 1996 (Tamil Nadu Act 22 of 1996).]

X

(See section 511-B)

- 1. Planning for economic and social development.**
- 2. Roads and bridges.**
- 3. Water-supply for domestic, industrial and commercial purposes.**
- 4. Public health, sanction, conservancy and solid waste management.**
- 5. Urban forestry - protection of the environment and promotion of ecological aspects.**
- 6. Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.**
- 7. Slum improvement and upgradation.**
- 8. Urban poverty alleviation.**
- 9. Provision of urban amenities and facilities such as parks, gardens, playground.**
- 10. Promotion of cultural, educational and aesthetic aspects.**

- 11. Burial 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 slaughterhouses and tanneries.**
- 16. [Urban planning including Two Planning. [Added by Tamil Nadu Act 22 of 1996.]**
- 17. Regulation of land use and construction of building.**
- 18. Fire Services.]**