



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 149]

CHENNAI, MONDAY, JUNE 22, 2009
Aani 8, Thiruvalluvar Aandu-2040

Part IV—Section 1

Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 22nd June, 2009 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 6 OF 2009

**A Bill further to amend the laws relating to the Municipal Corporations
and the Municipalities in the State of Tamil Nadu.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

PART- I

PRELIMINARY

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2009.
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

PART- II

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Amendment of section 120.

2. In section 120 of the Madurai City Municipal Corporation Act, 1971, in sub-section (4), for clause (a), the following clause shall be substituted, namely:—

Tamil Nadu Act 15 of 1971.

“(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 property tax on such lands at such rate as it may fix, having regard to its location and subject to the minimum and maximum rates per square feet as may be prescribed by the Government.”.

PART- III

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Amendment of section 121.

3. In section 121 of the Coimbatore City Municipal Corporation Act, 1981, in sub-section (4), for clause (a), the following clause shall be substituted, namely:—

Tamil Nadu Act 25 of 1981.

“(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 property tax on such lands at such rate as it may fix, having regard to its location and subject to the minimum and maximum rates per square feet as may be prescribed by the Government.”.

PART- IV

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of section 81.

4. In sub-section (3) of section 81 of the Tamil Nadu District Municipalities Act, 1920, for clause (a) including the proviso thereto, the following clause shall be substituted, namely:—

Tamil Nadu Act V of 1920.

“(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 property tax on such lands at such rate as it may fix, having regard to its location and subject to the minimum and maximum rates per square feet as may be prescribed by the State Government.”.

PART- V

Repeal.

5. The Tamil Nadu Municipal Laws (Second Amendment) Act, 1997, is hereby repealed.

Tamil Nadu Act 65 of 1997.

STATEMENT OF OBJECTS AND REASONS.

Section 81 (3) (a) of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), section 120 (4) (a) of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and section 121 (4) (a) of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), provide for the levy of property tax on vacant lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, based on the capital value of the said lands.

2. The Third State Finance Commission has recommended that the said sections may be amended suitably on the lines of rule 114 of the Tamil Nadu Urban Local Bodies Rules, 2000 (which has been kept under suspension), so as to levy the property tax subject to the minimum and maximum rates per square feet fixed by the Government, instead of fixing the said tax based on the capital value of the vacant lands. The High Level Committee constituted to examine devolution of more powers on Urban Local Bodies has also recommended that necessary action may be pursued to implement the said recommendation of the Third State Finance Commission.

3. The Government have accepted the said recommendation of the Third State Finance Commission and the High Level Committee, and decided to amend the said Acts suitably for the purpose. The Government have also decided to repeal the Tamil Nadu Municipal Laws (Second Amendment) Act, 1997 (Tamil Nadu Act 65 of 1997) as amended by Tamil Nadu Act 34 of 1998 by which the said Tamil Nadu Acts IV of 1919, V of 1920, 15 of 1971 and 25 of 1981 were amended.

4. The Bill seeks to give effect to the above decisions.

M.K. STALIN,
Deputy Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 120 (4) (a) of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) as proposed to be substituted by clause 2 of the Bill, Section 121 (4) (a) of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) as proposed to be substituted by clause 3 of the Bill and Section 81 (3) (a) of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) as proposed to be substituted by clause 4 of the Bill authorise the Government to make rules, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 22nd June, 2009 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 7 OF 2009

A Bill further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

PART-I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2009.

Short title and commencement.

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

PART- II

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act
IV of 1919.

2. In section 138-B of the Chennai City Municipal Corporation Act, 1919,—

Amendment of
section 138-B.

(1) in sub-section (2), for the expression "Every company which transacts business and every person", the expression "Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person" shall be substituted;

(2) in sub-section (4),—

(i) for the expression "Where a company or person", the expression "Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person" shall be substituted;

(ii) for the expression "such company or person", the expression "such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person" shall be substituted;

(3) sub-section (6) shall be omitted.

PART- III

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act
15 of 1971.

3. In section 169-B of the Madurai City Municipal Corporation Act, 1971,—

Amendment of
section 169-B.

(1) in sub-section (2), for the expression "Every company which transacts business and every person", the expression "Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person" shall be substituted;

(2) in sub-section (4),—

(i) for the expression "Where a company or person", the expression "Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person" shall be substituted;

(ii) for the expression "such company or person", the expression "such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person" shall be substituted;

(3) sub-section (6) shall be omitted.

PART- IV**AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

Amendment of
section 169-B.

4. In section 169-B of the Coimbatore City Municipal Corporation Act, 1981,—

Tamil Nadu Act
25 of 1981.

(1) in sub-section (2), for the expression “Every company which transacts business and every person”, the expression “Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person” shall be substituted;

(2) in sub-section (4),—

(i) for the expression “Where a company or person”, the expression “Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person” shall be substituted;

(ii) for the expression “such company or person”, the expression “such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person” shall be substituted;

(3) sub-section (6) shall be omitted.

PART- V**AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.**

Amendment of
section 124-D.

5. In section 124-D of the Tamil Nadu District Municipalities Act, 1920,—

Tamil Nadu Act
V of 1920.

(1) in sub-section (2), for the expression “Every company which transacts business and every person”, the expression “Each branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association which transacts business and every person” shall be substituted;

(2) in sub-section (4),—

(i) for the expression “Where a company or person”, the expression “Where a branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or a person” shall be substituted;

(ii) for the expression “such company or person”, the expression “such branch or unit of a company, Hindu undivided family, firm, corporation or other corporate body, society, club, body of persons or association or person” shall be substituted;

(3) sub-section (6) shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

As per the provisions of the Acts governing the urban local bodies, the municipal corporation and the municipality may levy a tax on profession, trade, calling and employment on every company which transacts business and on every person who is engaged actively or otherwise in any profession, trade, calling or employment.

2. The income of a person doing the same business in one or more places in the same name within corporation or municipality can be clubbed together for the purpose of levy of profession tax. As the profession tax is the income for the benefit of the local bodies, the Government have decided to make explicit provisions in the said Acts to the effect that each branch or unit of a company, Hindu undivided family, firm, corporation, other corporate body, society, club, body of persons and association which transacts business within the corporation limit and within the municipal area shall pay a tax on any profession, trade, calling and employment, levied by the corporation or municipality, as the case may be, by amending the said Acts.

3. The Bill seeks to give effect to the above decision.

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 22nd June, 2009 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 8 OF 2009

A Bill to provide for the constitution of Metropolitan Planning Committee in every Metropolitan area in the State of Tamil Nadu for preparation of draft development plan for the Metropolitan area.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

CHAPTER-I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Metropolitan Planning Committee Act, 2009.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

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

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

Definitions.

(a) "Constitution" means the Constitution of India;

(b) "District" means a revenue district of the State of Tamil Nadu;

(c) "Government" means the State Government;

(d) "Metropolitan area" means an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas, as may be specified by the Government by notification to be a Metropolitan area for the purposes of this Act;

(e) "Municipality" means an institution of self-government constituted under Article 243-Q of the Constitution;

(f) "Panchayat" means a panchayat constituted under Article 243-B of the Constitution;

(g) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

CHAPTER-II

**CONSTITUTION OF METROPOLITAN PLANNING COMMITTEE,
ITS FUNCTIONS AND MATTERS RELATED THERETO.**

3. (1) There shall be constituted in every Metropolitan area a Metropolitan Planning Committee (hereinafter referred to as the committee) consisting of such number of members, including a Chairperson and a Vice-Chairperson, as the Government may determine, to prepare a draft development plan for the Metropolitan area as a whole:

Metropolitan
Planning
Committee.

Provided that not less than two-thirds of the members of the committee shall be elected by, and from amongst, the elected members of the municipalities and Presidents of the panchayats in the Metropolitan area in proportion to the ratio between the population of the municipalities and of the panchayats in that area.

(2) The representation in the committee of the Government of India and the State Government and of such organizations and institutions as may be deemed necessary for carrying out the functions assigned to the committee shall be such as may be notified by the Government from time to time.

(3) The committee shall perform such functions relating to planning and co-ordination for the Metropolitan area as the Government may, by notification, assign to it.

(4) The committee shall, in preparing the draft development plan,—

(a) have regard to—

(i) the plans prepared by the municipalities and the panchayats in the Metropolitan area;

(ii) matters of common interest between the municipalities and the panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical natural resources, the integrated development of infrastructure and environmental conservation;

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

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

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

(5) The Chairperson of every committee shall forward the development plan, as recommended by the committee, to the Government.

Chairperson,
Vice-
Chairperson,
other
members,
not being
elected
members,
term of
office and
filling up of
vacancy.

4. (1) The Chairperson, Vice-Chairperson and other members, not being elected members, of every committee shall be appointed by the Government.

(2) The term of office and other conditions of service of the Chairperson, Vice-Chairperson, and other members, not being elected members, of the committee shall be such as may be prescribed.

(3) Any vacancy in the office of the Chairperson, Vice-Chairperson, or any other member, not being an elected member, of the committee shall be filled by fresh appointment by the Government.

Election of
members of
committee.

5. The manner of election of members of the committee and all matters related thereto shall be such as may be prescribed.

Term of office
of, and
allowance
for, elected
members of
committee.

6. The elected members of the committee shall hold office for a term of five years from the date of their election, and shall receive such allowance for attending the meeting of the committee or any sub-committee thereof as may be prescribed:

Provided that every such member shall, on his ceasing to be an elected member of a municipality or President of a panchayat, as the case may be, cease to be a member of the committee notwithstanding that the term of five years has not expired, and the vacancy shall be filled by election in the manner prescribed.

Validation.

7. No act or proceeding of the committee shall be invalid or called in question by reason of any vacancy, initial or subsequent, in, or defect in the constitution of, the committee.

Meeting of
committee.

8. (1) The committee shall meet at such places and at such times, and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum for a meeting), as may be prescribed.

(2) The Chairperson or, if, for any reason, he is unable to attend any meeting, the Vice-Chairperson or, if, for any reason, both are unable to attend any meeting, any other member elected by the members present, shall preside at the meeting.

9. (1) The committee may constitute, for such purpose as it may think fit, as many sub-committees consisting wholly of members of the committee or wholly of other persons or partly of members of the committee and partly of other persons as it may consider necessary or expedient.

Sub-committees.

(2) The members of a sub-committee, not being members of the committee, shall be paid such fees and allowances for attending the meetings thereof as may be prescribed.

CHAPTER-III

MISCELLANEOUS

10. If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the *Tamil Nadu Government Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulties:

Power to remove difficulties.

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

11. The Government may, from time to time issue such directions to the committee as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the committee to comply with such directions.

Power to give directions.

12. Notwithstanding anything contained in this Act or any other law for time being in force, the Government may, by notification, appoint any authority constituted under section 11, including the Metropolitan Development Authority established under section 9A of the Tamil Nadu Town and Country Planning Act, 1971, to assist the Metropolitan Planning Committee in preparation of draft development plan and the authority so appointed shall also act as the office of the Metropolitan Planning Committee.

Authority to assist Metropolitan Planning Committee.

Tamil Nadu Act 35 of 1972.

13.(1) The Government may make rules for carrying out all or any of the purposes of this Act.

Power to make rules.

(2) (a) All rules made under this Act 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 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.

(3) Every rule, notification or order made or issued under this Act 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 in the next session, the Legislative Assembly makes any modification in any such rule, notification or order, or the Legislative Assembly decides that the rule, notification or order should not be made or issued, the rule, notification or 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 rule, notification or order.

CHAPTER-IV

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

14.(1) In section 3 of the Chennai City Municipal Corporation Act, 1919 (hereafter referred to as the 1919 Act), clause (13-AA) shall be omitted.

Amendment of section 3.

(2) Section 27-B of the 1919 Act shall be omitted.

Omission of section 27-B.

Tamil Nadu Act IV of 1919.

STATEMENT OF OBJECTS AND REASONS

Article 243-ZE of the Constitution inserted by the Constitution (Seventy Fourth Amendment) Act, 1992 provides for the constitution of the Metropolitan Planning Committee in every metropolitan area that may be specified as such by the Governor by notification under clause (c) of Article 243-P of the Constitution to prepare draft development plan for such area as a whole. As per the said Article, the Metropolitan Planning Committee has to prepare the said draft development plan taking into consideration, the plans prepared by the various local bodies within the metropolitan area. It would also take into consideration the matters of common interest between the municipalities and panchayats, including co-ordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation. The plan would encompass the objectives and priorities of the Governments both Central and State and the financial investments likely to be made by the Agencies of the Governments.

2. The said Article further provides that, it will be for the State Legislature to provide, by Law, the matters relating to the composition of such Metropolitan Planning Committees, and the manner of filling the seats of such Committees, and of choosing Chairperson of such Committees, including the function of the said Committees subject to the condition that not less than two-thirds of the total members of the Committees shall be elected by and from amongst the elected members of the Municipalities and Chairpersons of the Panchayats in the Metropolitan area. The Government have, therefore, decided to enact a Law for constitution of the Metropolitan Planning Committees and for all the other purposes, incidental to the constitution of such Committees, as aforesaid.

3. The Bill seeks to give effect to the above decision.

M.K. STALIN,
Deputy Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1 (3), 2 (d), 3 (2), 3 (3), 3 (4)(b), 4 (2), 5, 6, 8 (1), 9 (2), 10, 11, 12 and 13 (1) of the Bill authorise the Government to issue notifications or orders or directions or to make rules, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

M.K. STALIN,
Deputy Chief Minister.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for payment of fees and allowances to the members of the Metropolitan Planning Committee for attending the meetings. Clause 9 of the Bill provides for payment of fees and allowances to the members of a sub-committee, not being the members of the Metropolitan Planning Committee for attending the meetings.

2. The legislation, therefore, involves expenditure from the Consolidated Fund of the State. It is not however, possible to estimate at this stage with any degree of accuracy the expenditure involved in giving effect to the provisions of the Bill.

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.