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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 13th January 2011 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 2 of 2011

A Bills further to amend the Chennai City Municipal Corporation Act, 1919.

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

Short title and commencement.

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2011.

(2) It shall be deemed to have come into force on the 21st day of December 2010.

Amendment of section 5.

2. In section 5 of the Chennai City Municipal Corporation Act, 1919 (hereinafter referred to as the principal Act), in sub-section (1), for the expression “one hundred and fifty-five”, the expression “two hundred” shall be substituted.

Tamil Nadu Act
IV of 1919.

Amendment of section 45.

3. In section 45 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Two hundred divisions.”;

(ii) in sub-section (1), for the expression “one hundred and fifty-five” occurring in two places, the expression “two hundred” shall be substituted.

Insertion of new section 46-AAA.

4. After section 46-AA of the principal Act, the following section shall be inserted, namely:—

“46-AAA. *Special Provisions.*— Notwithstanding anything contained in this Act or the rules made or orders issued under this Act, until the ordinary election to be held in the year 2011, the territorial area of the divisions of the city, the total number of divisions and the total number of councillors shall be the same as they exist before the commencement of the Chennai City Municipal Corporation (Amendment) Act, 2011.”.

Amendment of section 48.

5. In section 48 of the principal Act,—

(i) in sub-section (1), for the expression “one hundred and fifty-five”, the expression “two hundred” shall be substituted;

(ii) in sub-section (2), for the expression “one hundred and fifty-five”, the expression “two hundred” shall be substituted.

Repeal and saving.

6. (1) The Chennai City Municipal Corporation (Amendment) Ordinance, 2010 is hereby repealed.

Tamil Nadu
Ordinance
8 of 2010.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

The Government have decided to expand the limits of the Chennai City Corporation by including forty two local bodies adjoining City of Chennai. Based on the above inclusion, delimitation of Wards (Divisions) will be done for the next ordinary election to be held for the Chennai Corporation. In view of the said expansion, the Government have decided to fix the total number of Wards (Divisions) for the Chennai Corporation as two hundred and consequently, certain provisions of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) having reference to the number of Wards (Divisions) need to be amended. The Government have, therefore, decided to amend the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), suitably for the above purpose. Accordingly, the Chennai City Municipal Corporation (Amendment) Ordinance, 2010 (Tamil Nadu Ordinance 8 of 2010) was promulgated by the Governor on the 20th December 2010 and the same was published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 21st December 2010.

2. The Bill seeks to replace the said Ordinance.

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 13th January 2011 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 3 of 2011

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 Sixty-first Year of the Republic of India as follows:—

PART - I.

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2011.

Short title and commencement.

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

PART - II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919.

2. For section 326-A of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act), the following section shall be substituted, namely:—

Substitution of section 326-A.

“326-A. *Definitions.*-In this Chapter,-

(a) “hoarding” means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) “digital banner” means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

(c) “placard” means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology.”.

3. After section 326-B of the 1919 Act, the following section shall be inserted, namely:—

Insertion of new section 326-BB.

“326-BB. *Regulation of erection of digital banners and placards.*-

(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section (1), shall be made, in writing, to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

Substitution of section 326-E.

4. For section 326-E of the 1919 Act, the following section shall be substituted, namely:—

“326-E. *Removal of unauthorized hoarding, digital banner or placard.*— Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.

Amendment of section 326-G.

5. In section 326-G of the 1919 Act, for the expression “hoarding” in four places where it occurs, the expression “hoarding or digital banner or placard” shall be substituted.

Amendment of section 326-H.

6. In section 326-H of the 1919 Act, in sub-section (1), after the expression “suspending a licence”, the expression “or refusing to give permission” shall be inserted.

Amendment of section 326-I.

7. To section 326-I of the 1919 Act, the following proviso shall be added, namely:—

“Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.”.

Amendment of section 326-J.

8. In section 326-J of the 1919 Act,—

(1) in the marginal heading, for the expression, “hoardings”, the expression “hoardings, digital banners or placards” shall be substituted;

(2) section 326-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-

“(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 326-BB.”.

PART-III.

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Substitution of section 410-A.

9. For section 410-A of the Madurai City Municipal Corporation Act, 1971 (hereafter in this Part referred to as the 1971 Act), the following section shall be substituted, namely:—

“410-A. *Definitions.*—In this Chapter,-

(a) “hoarding” means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) “digital banner” means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

Tamil Nadu Act 15 of 1971.

(c) "placard" means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology."

10. After section 410-B of the 1971 Act, the following section shall be inserted, namely:—

Insertion of
new section
410-BB.

"410-BB. *Regulation of erection of digital banners and placards.*—(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section(1) shall be made, in writing to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed."

11. For section 410-E of the 1971 Act, the following section shall be substituted, namely:—

Substitution of
section
410-E.

"410-E. *Removal of unauthorized hoarding, digital banner or placard.*—Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice."

12. In section 410-G of the 1971 Act, for the expression "hoarding" in four places where it occurs, the expression "hoarding or digital banner or placard" shall be substituted.

Amendment of
section
410-G.

13. In section 410-H of the 1971 Act, in sub-section (1), after the expression "suspending a licence", the expression "or refusing to give permission" shall be inserted.

Amendment of
section
410-H.

14. To section 410-I of the 1971 Act, the following proviso shall be added, namely:—

Amendment of
section
410-I.

"Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both."

15. In section 410-J of the 1971 Act,—

Amendment of
section
410-J.

(1) in the marginal heading, for the expression, "hoardings", the expression "hoardings, digital banners or placards" shall be substituted;

(2) section 410-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-

"(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 410-BB."

PART-IV.

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Substitution
of section
410-A.

16. For section 410-A of the Coimbatore City Municipal Corporation Act, 1981 (hereafter in this Part referred to as the 1981 Act), the following section shall be substituted, namely:—

Tamil Nadu Act
25 of 1981.

“410-A. *Definitions.*—In this Chapter,—

(a) “hoarding” means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;

(b) “digital banner” means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;

(c) “placard” means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology.”.

Insertion of
new section
410-BB.

17. After section 410-B of the 1981 Act, the following section shall be inserted, namely:—

“410-BB. *Regulation of erection of digital banners and placards.*—(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector.

(2) Every application for permission under sub-section (1) shall be made, in writing to the District Collector fifteen days prior to the date of erection of digital banner or placard, in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

Substitution of
section
410-E.

18. For section 410-E of the 1981 Act, the following section shall be substituted, namely:—

“410-E. *Removal of unauthorized hoarding, digital banner or placard.*— Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.

19. In section 410-G of the 1981 Act, for the expression "hoarding" in four places where it occurs, the expression "hoarding or digital banner or placard" shall be substituted. Amendment of section 410-G.
20. In section 410-H of the 1981 Act, in sub-section (1), after the expression "suspending a licence", the expression "or refusing to give permission" shall be inserted. Amendment of section 410-H.
21. To section 410-I of the 1981 Act, the following proviso shall be added, namely:—
"Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both." Amendment of section 410-I.
22. In section 410-J of the 1981 Act,—
(1) in the marginal heading, for the expression, "hoardings", the expression "hoardings, digital banners or placards" shall be substituted;
(2) section 410-J, shall be re-numbered as sub-section (1) of that section;
(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:-
"(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 410-BB." Amendment of section 410-J.

PART-V.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu
Act V of
1920.

23. For section 285-A of the Tamil Nadu District Municipalities Act, 1920 (hereafter in this Part referred to as the 1920 Act), the following section shall be substituted, namely:—
"285-A. *Definitions.*—In this Chapter,—
(a) "hoarding" means any screen of boards other than digital banner and placard, at any place, whether public or private used or intended to be used for exhibiting advertisement, including the frame work or other support, erected, wholly or in part upon or over any land, building, wall or structure, visible to public wholly or partly;
(b) "digital banner" means any screen of boards, at any place, whether public or private used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology;
(c) "placard" means any screen of boards, the size of which is not exceeding eight feet in height and four feet in breadth, at any place, whether public or private, used or intended to be used for exhibiting any advertisement or any information in connection with marriage, religious ceremony, birth or death anniversary or meeting or conference of any political, religious or communal organization, designed and printed using electronic printing technology." Substitution of section 285-A.
24. After section 285-B of the 1920 Act, the following section shall be inserted, namely:—
"285-BB. *Regulation of erection of digital banners and placards.*—
(1) No digital banner or placard for exhibiting any advertisement or information for a period not exceeding six days shall be erected by any person without obtaining prior permission from the District Collector. Insertion of new section 285-BB.

(2) Every application for permission under sub-section (1), shall be made, in writing, to the District Collector fifteen days prior to the date of erection of digital banner or placard in such form, containing such particulars and with such fee, as may be prescribed.

(3) The permission for erection of digital banner or placard may be granted for such purpose and for such period, not exceeding six days and subject to such conditions as may be specified by the District Collector.

(4) The District Collector may refuse to grant permission for the reasons to be recorded in writing.

(5) Every person who has erected the digital banner or placard after obtaining the permission, shall, on expiry of such permission remove the same and dispose it, without causing any hazard to health or environment, in such manner as may be prescribed.”.

Substitution of section 285-E.

25. For section 285-E of the 1920 Act, the following section shall be substituted, namely:—

“285-E. *Removal of unauthorized hoarding, digital banner or placard.*—Any hoarding erected without a licence or any digital banner or placard erected without a permission, shall be confiscated and removed by the District Collector without giving any notice.”.

Amendment of section 285-G.

26. In section 285-G of the 1920 Act, for the expression “hoarding” in four places where it occurs, the expression “hoarding or digital banner or placard” shall be substituted.

Amendment of section 285-H.

27. In section 285-H of the 1920 Act, in sub-section (1), after the expression “suspending a licence”, the expression “or refusing to give permission” shall be inserted.

Amendment of section 285-I.

28. To section 285-I of the 1920 Act, the following proviso shall be added, namely:—

“Provided that whoever erects any digital banner or placard without the permission of the District Collector, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.”.

Amendment of section 285-J.

29. In section 285-J of the 1920 Act,—

(1) in the marginal heading, for the expression, “hoardings”, the expression “hoardings, digital banners or placards” shall be substituted;

(2) section 285-J, shall be re-numbered as sub-section (1) of that section;

(3) after sub-section (1) as so re-numbered, the following sub-section shall be added, namely:—

“(2) Where the District Collector is satisfied that the erection of any digital banner or placard visible to the traffic on the road is hazardous and disturbance to the safe traffic movement so as to adversely affect free and safe flow of traffic, he shall not grant permission under section 285-BB.”.

STATEMENT OF OBJECTS AND REASONS.

The 'Digital Banners' are presently covered under the definition of 'Hoarding' in the Urban Local Bodies Acts. As the digital banners and placards are used for specific purpose for a specified period, the Government have decided that a separate provision may be made in respect of digital banners and placards and in order to effectively regulate the erection of digital banners and placards, suitable provisions for obtaining prior permission from the authorities, period of display, removal of such unauthorized structures, safe and proper removal and disposal of such materials after the expiry of the period for which permission has been granted, etc., may be made in the Urban Local Bodies Acts. Accordingly, it has been decided to 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) suitably for the above purpose.

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

M.K. STALIN,
Deputy Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 326-BB proposed to be inserted in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) by clause 3 and section 326-G proposed to be amended in that Act by clause 5, of the Bill; new section 410-BB proposed to be inserted in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) by clause 10 and section 410-G proposed to be amended in that Act by clause 12, of the Bill; new section 410-BB proposed to be inserted in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) by clause 17 and section 410-G proposed to be amended in that Act by clause 19, of the Bill; new section 285-BB proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) by clause 24 and section 285-G proposed to be amended in that Act by clause 26, 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. SELVARAJ,
Secretary.