



TAMIL NADU GOVERNMENT GAZETTE

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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 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 2 of 2017

A Bill further to amend the Tamil Nadu Panchayats Act, 1994.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 17th day of October 2016.

Insertion of new section 261-A.

2. After section 261 of the Tamil Nadu Panchayats Act, 1994, the following section shall be inserted, namely:-

Tamil Nadu Act
21 of 1994.

“261-A. Appointment of Special officers.—Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the village panchayats, the panchayat union councils or the district panchayats, as the case may be, until the day on which the first meetings of the village panchayats, panchayat union councils or the district panchayats, as the case may be, are held after ordinary elections to said panchayats after the date of commencement of the Tamil Nadu Panchayats (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

Repeal and saving.

3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2016 and the Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 2016 are hereby repealed.

Tamil Nadu
Ordinance 1
of 2016.

Tamil Nadu
Ordinance 3
of 2016.

(2) Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu Panchayats Act, 1994, as amended by the said Ordinances, shall be deemed to have been done or taken under the said Act, as amended by this Act.

Tamil Nadu Act
21 of 1994.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members of village panchayats, panchayat union councils and district panchayats and also to the office of the presidents of village panchayats. In the meantime, a Writ Petition was filed in the High Court of Madras challenging the said notification. The High Court of Madras in its order, dated 04.10.2016 in W.P.No.33984 of 2016 and W.M.P.Nos.29329 and 29330 of 2016, among other things, has directed the Tamil Nadu State Election Commission to issue fresh notification to conduct election and complete such election process at the earliest, not later than the 31st December 2016 and has also directed the Government to administer the local bodies by appointment of Special Officers till the elections are held, as the present terms of the local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above direction of the High Court, Madras, the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) was amended by the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 1 of 2016) to appoint Special Officers to exercise the powers and discharge the functions of the village panchayats, panchayat union councils and district panchayats until the day on which the first meeting of the said Panchayats are held after ordinary elections to the said panchayats after the date of commencement of the said Tamil Nadu Ordinance 1 of 2016 or upto the 31st December 2016, whichever is earlier. Pursuant to the above said Tamil Nadu Ordinance 1 of 2016, Special Officers were appointed to administer the village panchayats, panchayat union councils and district panchayats.

2. The Tamil Nadu State Election Commission has stated that the current Electoral Roll of the Tamil Nadu Legislative Assembly will be the basis for Panchayat Electoral Roll under rule 14 of the Tamil Nadu Panchayats (Election) Rules, 1995 and that the current Electoral Roll of the Tamil Nadu Legislative Assembly is expected to be made available from the Election Commission of India only in the month of January 2017. On receipt of Assembly Electoral Rolls, the Tamil Nadu State Election Commission shall be in a position to prepare the corresponding Panchayat Electoral Rolls. The State Election Commission has further stated that the annual examination for school students including the HSC (12th Standard) and SSLC (10th Standard) are scheduled to be held between the 2nd March 2017 and the middle of April 2017 and that most of the polling personnel are drafted from the teaching staff of School Education Department and therefore they cannot be deployed for the election duties for conducting local bodies elections and also most of the school premises are used as polling station, which will be available only after the annual examination and valuation of answer sheets are over in the month of April 2017. Hence, the Tamil Nadu State Election Commission has requested that an appropriate action may be taken by the Government to make suitable arrangements for administering the affairs of the rural local bodies considering the expiry of term of office of Special Officers on the 31st December 2016. The Government have, therefore, decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 30th June 2017 or until the first meeting of the council is held after the ordinary elections to the village panchayats, panchayat union councils and the district panchayats, whichever is earlier. Accordingly, the Governor has promulgated the Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 3 of 2016) on the 27th December 2016 and the same has been published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 30th December 2016 to extend the term of office of the Special Officers for a further period of six

months upto the 30th June 2017 or until the first meeting of the council is held after the ordinary elections to the village panchayats, panchayat union councils and district panchayats, whichever is earlier.

3. The Bill seeks to replace the said Ordinances.

S.P. VELUMANI,

*Minister for Municipal Administration,
and Rural Development and Implementation
of Special Programme.*

A.M.P. JAMALUDEEN,

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 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 3 of 2017

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

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth 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, 2017.

Short title and commencement.

(2) It shall be deemed to have come into force on the 17th day of October 2016.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919.

2. After section 414-A of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:—

Insertion of new section 414-B.

“414-B. **Appointment of Special Officer.**— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the State Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu Act V of 1920.

3. After section 375-A of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:—

Insertion of new section 375-B.

“375-B. **Appointment of Special Officers.**— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the State Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the Municipalities or the Town Panchayats, as the case may be, until the day on which the first meetings of the councils are held after ordinary elections to the Municipalities or the Town Panchayats, as the case may be, after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971.

4. After section 510-AA of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:—

Insertion of new section 510-AAA.

“510-AAA. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Insertion of new section 511-AAA.

5. After section 511-AA of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:—

Tamil Nadu Act 25 of 1981.

“511-AAA. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

Insertion of new section 10-A.

6. After section 10 of the Tiruchirappalli City Municipal Corporation Act, 1994, the following section shall be inserted, namely:—

Tamil Nadu Act 27 of 1994.

“10-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

Insertion of new section 10-A.

7. After section 10 of the Tirunelveli City Municipal Corporation Act, 1994, the following section shall be inserted, namely:—

Tamil Nadu Act 28 of 1994.

“10-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – VIII.**AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.**

Tamil Nadu
Act 29 of
1994.

8. After section 10 of the Salem City Municipal Corporation Act, 1994, the following section shall be inserted, namely:—

Insertion of
new section
10-A.

“10-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – IX.**AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu
Act 7 of
2008.

9. After section 9 of the Tiruppur City Municipal Corporation Act, 2008, the following section shall be inserted, namely:—

Insertion of
new section
9-A.

“9-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – X.**AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu Act
8 of 2008.

10. After section 9 of the Erode City Municipal Corporation Act, 2008, the following section shall be inserted, namely:—

Insertion of
new section
9-A.

“9-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – XI.**AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.**

Tamil Nadu Act
26 of 2008.

11. After section 9 of the Vellore City Municipal Corporation Act, 2008, the following section shall be inserted, namely:—

Insertion of new
section 9-A.

“9-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – XII.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

Insertion of new section 9-A.

12. After section 9 of the Thoothukudi City Municipal Corporation Act, 2008, the following section shall be inserted, namely:—

Tamil Nadu Act 27 of 2008.

“9-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

PART – XIII.

AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.

Insertion of new section 9-A.

13. After section 9 of the Thanjavur City Municipal Corporation Act, 2013, the following section shall be inserted, namely:—

Tamil Nadu Act 24 of 2013.

“9-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”

PART – XIV.

AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.

Insertion of new section 9-A.

14. After section 9 of the Dindigul City Municipal Corporation Act, 2013, the following section shall be inserted, namely:—

Tamil Nadu Act 25 of 2013.

“9-A. Appointment of Special Officer.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, 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 election to the corporation after the date of commencement of the Tamil Nadu Municipal Laws (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”

Repeal and saving.

15. (1) The Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 and the Tamil Nadu Municipal Laws (Fourth Amendment) Ordinance, 2016 are hereby repealed.

Tamil Nadu Ordinance 2 of 2016.

Tamil Nadu Ordinance 4 of 2016.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore

Tamil Nadu Act IV of 1919.

Tamil Nadu Act V of 1920.

Tamil Nadu Act 15 of 1971.

Tamil Nadu Act 25 of 1981.

Tamil Nadu Act 27 of 1994.

Tamil Nadu Act 28 of 1994.	City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013 and the Dindigul City Municipal Corporation Act, 2013, as amended by the said Ordinances, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.
Tamil Nadu Act 29 of 1994.	
Tamil Nadu Act 7 of 2008.	
Tamil Nadu Act 8 of 2008.	
Tamil Nadu Act 26 of 2008.	
Tamil Nadu Act 27 of 2008.	
Tamil Nadu Act 24 of 2013.	
Tamil Nadu Act 25 of 2013.	

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members/ councillors of Town Panchayats, Municipalities and Municipal Corporations. In the meantime, a Writ Petition was filed in the High Court of Madras challenging the said notification. The High Court of Madras in its order, dated 4-10-2016 in W.P.No.33984 of 2016 and W.M.P. Nos.29329 and 29330 of 2016, among other things, has directed the Tamil Nadu State Election Commission to issue fresh notification to conduct election and complete such election process at the earliest, not later than the 31st December 2016 and has also directed the Government to administer the local bodies by appointing Special Officers till the elections are held, as the terms of offices of the elected representatives of local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above directions of the High Court of Madras, the Commissioner of Municipal Administration, the Director of Town Panchayats and the Commissioner, Greater Chennai Corporation being the State Election Officers and the District Election Officer, respectively, requested the Government to appoint Special Officers to administer the Town Panchayats, Municipalities and Municipal Corporations, until the councils are formed after the ordinary elections. In view of the above direction of the High Court, Madras, the laws relating to the Town Panchayats, Municipalities and Municipal Corporations have been amended by the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 2 of 2016) to appoint Special Officers to exercise the powers and discharge the functions of the said Town Panchayats, Municipalities and Municipal Corporations till elections to the said Town Panchayats, Municipalities and Municipal Corporations are held or upto the 31st December 2016, whichever is earlier. Pursuant to the above Ordinance, Special Officers were appointed to administer Town Panchayats, Municipalities and Municipal Corporations.

2. As per the laws relating to the Town Panchayats, Municipalities and Municipal Corporations, the electoral roll of Town Panchayats, Municipalities and Municipal Corporations shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of the law for the time being in force in respect of Town Panchayats, Municipalities and Municipal Corporations and shall be deemed to be electoral roll for such Town Panchayats, Municipalities and Municipal Corporations. The special summary revision of electoral roll for the Tamil Nadu Legislative Assembly is under progress and the same is expected to be made available from the Election Commission of India only in the month of January 2017. On receipt of Assembly Electoral Rolls, the Tamil Nadu State Election Commission shall be in a position to publish the final electoral roll for the purpose of conducting ordinary elections. The State Election Commission has also stated that the annual examination for school students including the HSC (12th Standard) and SSLC (10th Standard) are scheduled to be held between the 2nd March 2017 and the middle of April 2017 and that most of the polling personnel are drafted from the teaching staff of School Education Department and therefore they cannot be deployed for the election duties for conducting local bodies elections and also most of the school premises are used as polling stations, which will be available only after the annual examination and valuation of answer sheets are over in the month of April 2017. Hence, the Tamil Nadu State Election Commission has requested that an appropriate action may be taken by the Government to make suitable arrangements for administering the affairs of the urban local bodies considering the expiry of term of office of Special Officers on the 31st December 2016. Further, the Commissioner of Municipal Administration and Director of Town Panchayats being the State

Election Officers of Municipalities, Municipal Corporations and Town Panchayats respectively and the Commissioner, Chennai Corporation being the District Election Officer of Chennai Corporation limits, have also expressed similar views and stated that as elections could not be conducted before the 31st December 2016, the term of office of Special Officers may be extended beyond the 31st December 2016 for a further period of six months, upto the 30th June 2017. The Government, therefore, decided to extend the term of office of Special Officers beyond the 31st December 2016 for a further period of six months upto the 30th June 2017.

3. Accordingly, the Governor has promulgated the Tamil Nadu Municipal Laws (Fourth Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 4 of 2016) to extend the term of office of the Special Officers for a further period of six months upto the 30th June 2017 or until the first meeting of the council is held after the ordinary elections to the Town Panchayats, Municipalities and Municipal Corporations, whichever is earlier.

4. The Bill seeks to replace the said Ordinances.

S.P. VELUMANI,

*Minister for Municipal Administration and
Rural Development, Implementation of
Special Programme*

A.M.P. JAMALUDEEN,
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 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 4 of 2017

A Bill 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-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Chennai City Municipal Corporation (Amendment) Act, 2017.

Short title and commencement.

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

2. In Schedule VII to the Chennai City Municipal Corporation Act, 1919,—

Amendment of Schedule VII.

(1) for the item relating to section 191, the following item shall be substituted, namely:—

“191 Making connection with mains without permission—

(a) Ordinary building—

- | | | |
|------|-------------|-----------------------|
| (i) | Residential | Five thousand rupees; |
| (ii) | Commercial | Ten thousand rupees; |

(b) Special building—

- | | | |
|------|-------------|------------------------------|
| (i) | Residential | Twenty five thousand rupees; |
| (ii) | Commercial | Fifty thousand rupees; |

(c) Multi-storeyed building—

- | | | |
|------|-------------|------------------|
| (i) | Residential | One lakh rupees; |
| (ii) | Commercial | Two lakh rupees. |

Explanation.— For the purpose of this item, ordinary building, special building and multi-storeyed building shall have the same meaning assigned to them, respectively, in the Development Regulation for Chennai Metropolitan Area.”;

(2) for the item relating to sub-section (5) of section 202, the following item shall be substituted, namely:—

“202 (5) Allowing filth to flow in streets—

(a) Ordinary building—

- | | | |
|------|-------------|-----------------------|
| (i) | Residential | Five thousand rupees; |
| (ii) | Commercial | Ten thousand rupees; |

(b) Special building—

- | | | |
|------|-------------|------------------------------|
| (i) | Residential | Twenty five thousand rupees; |
| (ii) | Commercial | Fifty thousand rupees; |

(c) Multi-storeyed building—

- | | | |
|------|-------------|------------------|
| (i) | Residential | One lakh rupees; |
| (ii) | Commercial | Two lakh rupees. |

Explanation.— For the purpose of this item, ordinary building, special building and multi-storeyed building shall have the same meaning assigned to them, respectively, in the Development Regulation for Chennai Metropolitan Area.”.

STATEMENT OF OBJECTS AND REASONS.

Section 191 of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) prohibits making of any connection with any municipal cable, wire, pipe, drain or channel without the permission of the commissioner and section 202 (5) of the said Act, inter-alia prohibits allowing sewage to flow in streets by any owner or occupier of any premises. Schedule VII to the said Act specifies the penalties for the contravention of the provisions of the said Act including sections 191 and 202 (5). In order to effectively curb the contravention of the above said provisions, the Government have decided to enhance the penalties for the contravention of the provisions of the said sections 191 and 202 (5). Accordingly, the Government have decided to amend the said Schedule VII to the said Tamil Nadu Act IV of 1919, suitably for the purpose.

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

S.P. VELUMANI,
*Minister for Municipal Administration
and Rural Development,
Implementation of Special Programme.*

A.M.P. JAMALUDEEN,
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 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 5 of 2017

A Bill further to amend the Tamil Nadu Court-fees and Suits Valuation Act, 1955.

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Court-fees and Suits Valuation (Amendment) Act, 2017.

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

Substitution of section 7.

2. For section 7 of the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

“7. Determination of market value.— (1) Save as otherwise provided, where the fee payable under this Act depends on the market value of any property, such value shall be determined as on the date of presentation of the plaint.

Explanation.—For the purpose of this section, “market value” means the market value fixed under section 47-AA of the Indian Stamp Act, 1899 (Central Act II of 1899):

Provided that in cases where the plaintiff assess the value of the immovable property at a lesser amount than the market value, he shall give adequate reasons as to why the market value fixed under section 47-AA of the Indian Stamp Act, 1899 (Central Act II of 1899) does not represent the real market value of that immovable property.

(2) The assessment made by the plaintiff shall be accepted by the court at the initial stage of numbering the suit, subject to objection that may be raised by the other party to the litigation.”.

3. For section 21-A of the principal Act, the following section shall be substituted, namely:—

Substitution of section 21-A

“21-A. Fee to be computed to the nearest rupee.— In the determination and computation of the amount of fee payable under this Act, any fraction of a rupee be rounded off to one rupee.”.

4. In section 25 of the principal Act,—

Amendment of section 25.

(1) in clause (a), for the expression “rupees one thousand and five hundred”, the expression “rupees five thousand” shall be substituted;

(2) in clause (b), for the expression “rupees one thousand”, the expression “rupees five thousand” shall be substituted;

(3) in clause (c), for the expression “rupees two thousand”, the expression “rupees five thousand” shall be substituted;

(4) after clause (c), the following clause shall be inserted, namely:—

“(cc) where a defence of adverse possession is made, the same shall be treated as a counter claim and fee shall be computed on the market value of the immovable property;”;

(5) in clause (d), for the expression “rupees one thousand”, the expression “rupees five thousand” shall be substituted.

Amendment of section 30.

5. In section 30 of the principal Act,—

(1) for the expression “rupees one thousand”, the expression “rupees five thousand” shall be substituted;

(2) the following proviso shall be added, namely:—

“Provided that in cases where a defence of adverse possession is made, the same shall be treated as a counter claim and fee shall be computed on the market value of the immovable property.”.

Amendment of section 37.

6. In section 37 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In a suit for partition and separate possession of joint family property or property owned jointly or in common, by a plaintiff who is in joint possession of such property, fee shall be paid at the following rates:—

When the plaint is presented to—

- | | |
|------------------------------------|-------------------------|
| (i) the High Court; | Rupees ten thousand. |
| (ii) Courts other than High Court. | Rupees five thousand.”. |

Insertion of new section 53A.

7. After section 53 of the Principal Act, the following section shall be inserted, namely:—

“53-A Fee on appeals from transfer suits.—

(1) The fee payable on appeals from transferred suits shall be the fee paid or payable on the suit whichever is less.

(2) The fee payable in appeals from suits transferred from the High Court in its original jurisdiction to the City Civil court shall be the fee paid before the High Court. The fee on the appeal shall not be calculated on the higher fee payable as if the plaint originally been filed before the City Civil Court.”.

Amendment of section 69.

8. In section 69 of the principal Act, for the expression “half the amount”, the expression “full amount” shall be substituted.

Substitution of section 69A.

9. For section 69-A of the principal Act, the following section shall be substituted, namely:—

“69-A. Refund on settlement of disputes under section 89 of Code of Civil Procedure.—Where the Court refers the parties to the suit to any of the modes of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (Central Act V of 1908), the fee paid shall be refunded upon such reference. Such refund need not await for settlement of the dispute.”.

Insertion of new section 74A.

10. After section 74 of the principal Act, the following section shall be inserted, namely:—

“74-A. Mandatory costs.— In frivolous or speculative litigation, the court shall award cost to the winning party, which shall be the actual cost or equal to the value of court-fee paid by the winning party whichever is less.”.

11. In Schedule I to the principal Act,—

Amendment of
Schedule I

(1) for the entries in columns (2) and (3) against Article 1 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Plaint or written statement pleading a set off or counter claim or memorandum of appeal presented to any Court.	Three per cent of the amount or value of the subject matter in dispute.”;
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(2) for the entries in columns (2) and (3) against Article 6 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Probate of a will or letters of administration with or without will annexed.	Three per cent on the amount or value of the estate in respect of which the grant of probate or letters of administration is made, subject to a maximum of twenty-five thousand rupees.”.
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12. In Schedule II to the principal Act,—

Amendment of
Schedule II

(1) for the entries in columns (2) and (3) against Article 3 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Memorandum of appeal from an order inclusive of an order determining any question under section 144 of the Code of Civil Procedure, 1908, and not otherwise provided for when presented—

(i) to any Court other than the High Court or to Government or to any Executive Officer other than the Government or the Appropriate Authority specified in the notification under sub-section (1) of section 4 of the Tamil Nadu Board of Revenue Abolition Act, 1980 or Chief Executive Authority;	One hundred rupees.
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(ii) to the High Court.	Two thousand rupees.”;
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(2) for the entries in columns (2) and (3) against Article 4 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Application for setting aside arbitral award and for enforcement of the foreign award under the Arbitration and Conciliation Act, 1996.	Three per cent of the value for jurisdiction subject to a maximum of one lakh rupees.”;
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(3) in Article 11,—

(i) for the entry “Two rupees” in column (3), against item (g) in column (2) thereof, the entry “Twenty rupees” shall be substituted;

(ii) for items (h) and (i) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(h) Application for arrest or attachment before judgment or for temporary injunction when presented to any Court. Twenty rupees.”

“(i) Application or petition under section 47 and order XXI, rules 58 and 90 of the Code of Civil Procedure, 1908 filed in any Court. Twenty rupees.”;

(iii) for the entry “One per cent of value of the subject matter, subject to a maximum of rupees five thousand”, in column (3) against item (m) in column (2) thereof, the entry “three per cent of the value of the subject matter subject to a maximum of rupees one lakh” shall be substituted;

(iv) for item (o) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(o) Revision petition presented to the High Court under section 115 of the Code of Civil Procedure, 1908 or under section 25 of the Provincial Small Cause Courts Act, 1887 or under the provisions of any other Act, arising out of a suit or proceeding. Two hundred rupees.”;

(v) for item (p) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(p) Revision petition presented to a District Court. Two hundred rupees.”;

(vi) for item (r) in column (2) and the entries relating thereto in column (3), the following shall be substituted, namely:—

“(r) (i) Petition to the High Court under Article 226 of the Constitution for a Writ other than Writ of Habeas Corpus. One thousand rupees.”

“(ii) Petition to the High Court under Article 227 of the Constitution. Five hundred rupees.”;

(vii) for the entry “Ten rupees” in column (3) against item (s) in column (2) thereof, the entry “Twenty rupees” shall be substituted;

(4) for the entries in columns (2) and (3) against Article 16 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Mukhtarnama, Vakalatnama or any paper signed by an advocate signifying or intimating that he is retained for a party, when presented to any Court. Ten rupees.”;

(5) for the entries in columns (2) and (3) against Article 18 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“Caveat. Twenty rupees.”;

(6) for the entries in columns (2) and (3) against Article 19 in column (1) thereof, the following entries shall, respectively, be substituted, namely:—

“For each memorandum of appearance in Ten rupees.”;
Criminal Courts including High Court.

(7) For the entry “Twenty five rupees for every rupees fifty thousand subject to a maximum of one thousand rupees” in column (3) against Article 20 in column (1) thereof, the entry “Half per cent ad valorem, subject to a maximum of rupees ten thousand” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Hon'ble High Court of Madras in its order dated 28.11.2014 in W.P.No.31249/2014, among other things constituted a Committee under the Chairmanship of Justice Thiru K. Sampath (Retd) to suggest the rationalization of the Court-fees structure. The Committee addressed the anomalies in the Tamil Nadu Court-fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955) and submitted its report to the Hon'ble High Court with its recommendations suggesting amendments to the said Tamil Nadu Act XIV of 1955. The Hon'ble High Court directed the Government to pass necessary orders on the recommendations of the Committee. Based on the recommendations of the said Committee, the Government have decided to bring necessary amendments to the said Tamil Nadu Act XIV of 1955.

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

C.Ve. SHANMUGAM,
Minister for Law, Courts and Prisons.

A.M.P. JAMALUDEEN,
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 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 6 of 2017

A Bill to amend the Tamil Nadu Heritage Commission Act, 2012.

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

1. (1) This Act may be called the Tamil Nadu Heritage Commission (Amendment) Act, 2017.

Short title and commencement.

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

2. In the Tamil Nadu Heritage Commission Act, 2012, in section 4, in sub-section (1), clause (n) shall be omitted.

Amendment of Section 4.

Tamil Nadu
Act 24 of
2012.

STATEMENT OF OBJECTS AND REASONS

Clause (m) of sub – section (1) of section 4 of the Tamil Nadu Heritage Commission Act, 2012 (Tamil Nadu Act 24 of 2012) provides that one person who is conversant with Archaeology may be nominated by the Government as member to the Tamil Nadu Heritage Commission Clause (o) of sub-section (1) of section 4 of said Act, provides that one person from any non – Governmental Organisation involved in heritage management and cultural affairs may be nominated by the Government as member to the said Commission. Clause (n) of sub – section (1) of section 4 of said Act provides that one representative from Indian National Trust for Art and Cultural Heritage may be nominated as member to the said Commission. Now, it is considered that the nomination of members from the aforesaid clauses (m) and (o) of sub-section (1) of Section 4 of the said Act also covered the field of Art and Cultural Heritage for the composition of the said Commission. The Government have, therefore decided to omit the said clause (n) of sub section (1) of Section (4) of the said Tamil Nadu Act 24 of 2012.

2. To give effect to the above decisions, the Government have decided to amend the Tamil Nadu Heritage Commission Act, 2012 (Tamil Nadu Act 24 of 2012) suitably.

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

K. PANDIARAJAN,
*Minister for School Education,
Sports and Youth Welfare.*

A.M.P. JAMALUDEEN,
Secretary.