



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 3rd September 2017 is hereby published for general information:—

TAMIL NADU ORDINANCE No. 4 OF 2017.

An Ordinance further to amend the laws relating to the Municipal Corporations, Municipalities and Panchayats in the State of Tamil Nadu.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

PART-I.

PRELIMINARY.

1. (1) This Ordinance may be called the Tamil Nadu Local Bodies (Amendment) Ordinance, 2017.

Short title and commencement.

(2) It shall come into force at once.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

***Tamil Nadu
Act IV of
1919.***

2. In the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), in section 5, in sub-section (3), the proviso shall be omitted.

Amendment of section 5.

3. In the 1919 Act, sections 46-AA, 46-AAA and 46-AAAA shall be omitted.

Omission of sections 46-AA, 46-AAA and 46-AAAA.

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

Omission of sections 43-AA, 43-AAA and 43-AAAA.

4. In the Tamil Nadu District Municipalities Act, 1920, sections 43-AA, 43-AAA and 43-AAAA shall be omitted.

Tamil Nadu Act V of 1920.

PART – IV.**AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.**

Amendment of section 5.

5. In the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), in section 5, in sub-section (3), the proviso shall be omitted.

Tamil Nadu Act 15 of 1971.

Omission of sections 50-A, 50-AA and 50-AAA.

6. In the 1971 Act, sections 50-A, 50-AA and 50-AAA shall be omitted.

PART –V.**AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.**

Amendment of section 5.

7. In the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), in section 5, in sub-section (3), the proviso shall be omitted.

Tamil Nadu Act 25 of 1981.

Omission of sections 52-A, 52-AA and 52-AAA.

8. In the 1981 Act, sections 52-A, 52-AA and 52-AAA shall be omitted.

PART –VI.**AMENDMENT TO THE TAMIL NADU PANCHAYATS ACT, 1994.**

Omission of sections 28-A, 28-AA and 28-AAA.

9. In the Tamil Nadu Panchayats Act, 1994, sections 28-A, 28-AA and 28-AAA shall be omitted.

Tamil Nadu Act 21 of 1994.

3rd September 2017.

CH.VIDYASAGAR RAO,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

The Laws relating to the local bodies were amended to conduct ordinary elections to local bodies, which was due in October 2016, based on the existing territorial area of the divisions or wards based on 1991 census. Due to litigation, ordinary elections to the local bodies could not be conducted and the term of offices of the elected representatives of the local bodies have expired on the 24th October 2016. Based on the orders of High Court of Madras in W.P. No.33984 of 2016, Special Officers were appointed to exercise the powers and discharge the functions of the local bodies.

2. While hearing Civil Appeal Nos. 5467, 5468, 5469, 5470 and 5471 of 2017 filed before the Supreme Court of India for delimitation of territorial wards of village panchayats, panchayat unions, district panchayats, town panchayats, municipalities and municipal corporations, the Supreme Court of India has sought for clarification in regard to the conduct of ordinary elections to the local bodies without delimitation of territorial wards, in view of the provisions incorporated in the laws of the local bodies, which provide for conducting ordinary elections to the local bodies based on the existing territorial area of divisions or wards of local bodies.

3. In view of pendency of cases in the High Court of Madras and the Supreme Court of India, ordinary elections to the local bodies could not be conducted till date. Further, according to Article 243C read with Article 243(f) and Article 243Q read with Article 243P(f) of the Constitution, elections to the local bodies shall be conducted based on the population of the local bodies concerned as ascertained in the last preceding census of which the relevant figures have been published. In order to give effect to the constitutional requirements to conduct ordinary elections to the local bodies with delimitation of territorial area into divisions or wards based on the latest census as recommended by the Delimitation Commission constituted under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017), the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), 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.

4. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government,
Law Department.*