

The Erode City Municipal Corporation Act, 2008

TAMILNADU

India

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Act 8 of 2008

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The Erode City Municipal Corporation Act, 2008 Tamil Nadu Act 8 of 2008 Statement of Objects and Reasons. - The growth in urbanisation has been rapid in areas surrounding Erode, municipality. The population in Erode municipality and income of the municipality have been growing steadily. In order to meet the growing demand of urban infrastructure and civic services, it has become necessary to upgrade the Erode municipality into Municipal Corporation. 2. The Erode municipality was being governed by the provisions of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920). For future administration, on and from the date of establishment of a municipal corporation for Erode, a new and separate enactment became necessary. Therefore, the Government decided to undertake a special legislation adapting the provisions of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), with such modifications as are necessary. Accordingly, the Erode City Municipal Corporation Ordinance, 2007 (Tamil Nadu Ordinance 7 of 2007) was promulgated by the Governor on the 13th November 2007 and the same was published in the Tamil Nadu Government Gazette, Extraordinary, dated the 17th November 2007. 3. The Bill seeks to replace the said Ordinance. [Dated 19.2.2008] An Act to provide for the establishment of a Municipal Corporation for the city of Erode. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Erode City Municipal Corporation Act, 2008. (2) It extends to the city of Erode. (3) It shall be deemed to have come into force on the 1st day of January 2008.

2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "city of Erode" or "city" means the local area comprised in the Erode Municipality and includes any local area which, after the date of the commencement of this Act, is included in the city, but does not include any local area which, after such date of the commencement of this Act, is excluded from the city; (b) "corporation" means the

municipal corporation of Erode constituted under section 3;(c)"council" means the council of municipal corporation of Erode;(d)"date of the commencement of this Act" means the date specified under sub-section (3) of section 1;(e)"Government" means the State Government;(f)"municipal council" means the municipal council of Erode Municipality;(g)"municipality" means the Erode Municipality;(h)"Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively, assigned to them in clauses (24) and (25) of Article 388 of the Constitution.(2)All words and expressions used in this Act and not defined, but defined in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) (hereinafter referred to as the 1981 Act), shall have the meanings, respectively, assigned to them in the 1981 Act.

3. Establishment of municipal corporation for the city of Erode.

(1)With effect on and from the date of the commencement of this Act, the local area included in the Erode municipality shall constitute the city of Erode for the purposes of this Act and from such date of the commencement of this Act, a municipal corporation shall be deemed to have been established, for the said city by the name of Erode City Municipal Corporation:Provided that the Government may, from time to time, after consultation with the corporation, by notification, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom the areas specified in the notification:Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.(2)The corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may, by its corporate name, suo and be sued.(3)The Erode municipality, functioning immediately before the date of the commencement of this Act, shall be deemed to have been abolished from such date of the commencement of this Act.

4. Municipal authorities.

- The municipal authorities charged with carrying out the provisions of this Act shall be,-(1)[a Mayor; [Substituted by Tamil Nadu Act 38 of 2008, dt. 29.5.2008, w.e.f. 25.6.2008.](1-a) a council;](2)a standing committee;(3)a wards committee; and(4)a commissioner.

5. Constitution of council.

(1)Save as otherwise provided in sub-section (2), the council shall consist of such number of councillors elected in the manner laid down in this Act as may be fixed by the Government, by notification, from time to time, so, however, that the total number of councillors of the council shall not exceed seventy-two at any time.(2)The following persons shall also be represented in the council, namely:-(a)the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;(b)all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation.(3)The persons referred to in sub-section (2) shall be entitled to take part in the proceedings, but shall not have the right to vote in the meetings of the council.(4)Seats shall be

reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city.(5)Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than one-third of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.(6)Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than one-third including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes of the total number of seats in the council.(7)The reservation of seats under sub-sections (4) and (5) shall cease to have effect on the expiry of the period specified in Article 334 of the Constitution.

6. Duration of corporation.

(1)The corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer and the said period of five years shall operate as a dissolution of the corporation.(2)An election to constitute the corporation shall be completed,-(a)before the expiry of its duration specified in sub-section (1); or(b)before the expiration of a period of six months from the date of its dissolution:Provided that Where the remainder of the period for which the dissolved corporation would have continued, is less than six months, it shall not be necessary to hold any election, under this sub-section for constituting the corporation for such period.

7. Tamil Nadu District Municipalities Act, 1920 not to apply.

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

8. Application of the provisions of the 1981 Act to the Corporation.

(1) Save as otherwise expressly provided herein, all the provisions of the 1981 Act, including the provisions relating to the levy and collection of any tax or fee are hereby extended to, and shall apply, mutatis mutandis to the corporation and the 1981 Act shall, in relation to the corporation, be read and construed as if the provisions of this Act had formed part of the 1981 Act, (2) For the purpose of facilitating the application of the provisions of the 1981 Act to the corporation, the Government may, by notification, make such adaptations and modifications of the 1981 Act and the rules and bye-laws made thereunder, whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and, thereupon, the 1981 Act and the rules made thereunder, shall apply to the corporation subject to the adaptations and modifications so made. (3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the 1981 Act, or the rules and bye-laws made thereunder, any Court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the corporation, construe these provisions in such manner, without affecting the substance, as may be necessary or proper having regard to the matter before the Court, Tribunal; or authority. (4) In the 1981 Act as extended and applied to the city of Erode, - (a) any reference to the city of Coimbatore and Coimbatore Municipality, shall, by reason of this Act, be construed as a reference to the city of Erode and Erode Municipality, respectively; and (b) any reference to the Coimbatore Corporation, Corporation of Coimbatore and Municipal Corporation of Coimbatore, shall, by reason of this Act, be construed as a reference to the Erode Corporation, Corporation of Erode and Municipal Corporation of Erode, respectively.

9. Transitional provisions.

(1) All property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council with all rights of whatever kind used, enjoyed or possessed by the said municipal council as well as all liabilities legally subsisting against the said municipal council, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation. (2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said municipal council on the date of such commencement may be recovered as if they had accrued to the corporation and may be recovered as if the said arrears or payments had become due, under the provisions of this Act.