THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008

(Tamil Nadu Act 8 of 2008)

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Be it enacted by the Legislative Assembly of the 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 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 366 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 (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, sue and be sued.

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(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][(1) a Mayor

(la) 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 State 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

1. Substituted by Tamil Nadu Act 38 of 2008.

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. The 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 (hereinafter referred to as the "District Municipalities Act") shall, with effect on and from the date of the commencement of this Act, cease.

(2) Such cessor 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.

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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) to 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.

(3) All taxes, fees and duties, which immediately before the date of the commencement of this Act were being levied by the said Municipal

Council shall be deemed to have been levied by the Corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against, the Municipal Council or authority or any person under the District Municipalities Act may be continued by, or against, the Corporation, authority or person as if the said proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the District Municipalities Act, by any authority before the date of such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee who, immediately before the date of the commencement of this Act was in the service of the Municipality shall, on and from the date of such commencement be deemed to be an officer or employee of the Corporation:

Provided that, —

(a) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the Corporation shall not be less favourable than those applicable to such employees immediately before the date of such commencement, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by any such officer or other employee under the Municipality upto the date of such commencement shall be deemed to be service under the Corporation and he shall be entitled to count that service for the purpose of increment, leave, pension, provident fund and gratuity:

Provided further that any officer or other employee serving in the Municipality shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the Corporation or to be transferred to the service referred to in section 73-A of the District Municipalities Act or to be retrenched from the service of the Municipality on such retrenchment benefits as may be prescribed.

(7) Any division of the Erode Municipality into Wards, made under the District Municipalities Act, and in force on the date of the commencement of this Act shall be deemed to be a division of the Corporation until altered.

(8) The electoral roll prepared for the Erode Municipality under the District Municipalities Act, and in force on the date of the commencement of this Act, shall be deemed to be the electoral roll for the Corporation until a new electoral roll is prepared and published and the part of the said electoral roll relating to each ward of the Municipality shall be deemed to be the list of the electoral roll for the corresponding division of the Corporation.

(9) Notwithstanding anything contained in this Act, the Chairman, Vice-Chairman and the Councillors of the Erode Municipality, who are elected and holding office as such immediately before the date of the commencement of this Act, shall be deemed to be the Mayor, Deputy Mayor and Councillors of the Erode City Municipal Corporation elected under this Act and such Mayor, Deputy Mayor and Councillors shall continue to hold office upto such date as the Government may, by notification, fix in this behalf or, in case no such date is fixed, upto the date on which their term of office would expire under the District Municipalities Act and such Mayor, Deputy Mayor and Councillors shall exercise all the powers and perform all duties conferred on the Mayor, Deputy Mayor and Councillors by or under this Act.

10. Power to make rules.— (1) The Government may make rules for carrying out the purposes of this Act.

(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, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

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

11. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an 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 difficulty:

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

12. Repeal and saving.— (1) The Erode City Municipal Corporation Ordinance, 2007 (Tamil Nadu Ordinance 8/2000) is hereby repealed.

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

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