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## The Erode City Municipal Corporation Act, 2008

Act 8 of 2008

**Keyword(s):**

City of Erode, Corporation, Council, Municipal Council, Municipality,  
Scheduled Castes and Scheduled Tribes

Amendment appended: 38 of 2008

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## TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 19th February 2008 and is hereby published for general information:—

ACT No. 8 OF 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. (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.

Short title,  
extent and  
commence-  
ment.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(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. (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:

Establishment  
of municipal  
corporation  
for the city of  
Erode.

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.

(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.

Municipal  
authorities.

4. The municipal authorities charged with carrying out the provisions of this Act shall be,—

- (1) a council;
- (2) a standing committee;
- (3) a wards committee; and
- (4) a commissioner.

Constitution of  
council.

5. (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.

Duration of  
corporation.

6. (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.

Tamil Nadu  
District  
Municipalities  
Act, 1920 not  
to apply.

7. (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 to apply to the local area comprised within the city of Erode.

Tamil Nadu  
Act V of  
1920.

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(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.

8. (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

Application of  
the  
provisions of  
the 1981 Act  
to the  
corporation

(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. (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.

Transitional  
provisions.

(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.

Power to  
make rules.

10. (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.

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(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. 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:

Power to  
remove  
difficulties.

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

12. (1) The Erode City Municipal Corporation Ordinance, 2007 is hereby repealed.

Repeal and  
saving.

(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.

(By order of the Governor)

S. DHEENADHAYALAN,  
Secretary to Government-in-charge,  
Law Department.

## TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 29th May 2008 and is hereby published for general information:—

## ACT No. 38 OF 2008.

**An Act 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 Fifty-ninth Year of the Republic of India as follows:—

## PART—I

## PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Sixth Amendment) Act, 2008.

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.

2. In section 4 of the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), in sub-section (3), for clause (a), the following clauses shall be substituted, namely:—

Amendment of section 4.

"(a) a Mayor;

(aa) a council;".

3. For section 37 of the 1919 Act, the following sections shall be substituted, namely:—

Substitution of section 37.

**"37. Prerogative of the Mayor.**—(1) The Mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) All important official correspondence between the corporation and the State Government as may be decided by the council shall be conducted through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the State Government or by the State Government to the commissioner. While transmitting communications from the commissioner to the State Government, the Mayor may make such remarks as he thinks necessary.

**37-A. Entrustment of additional functions to Mayor.**—The State Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act."



## PART—III

AMENDMENTS TO THE MADURAI CITY MUNICIPAL  
CORPORATION ACT, 1971.Amendment of  
section 3.

4. In section 3 of the Madurai City Municipal Corporation Act, 1971 (hereinafter in this Part referred to as the 1971 Act), in sub-section (3), for clause (a), the following clauses shall be substituted, namely:—

“(a) a Mayor;

“(aa) a council;”.

Substitution of  
section 38.

5. For section 38 of the 1971 Act, the following sections shall be substituted, namely:—

“38. Prerogative of the Mayor.—(1) The Mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) All important official correspondence between the corporation and the Government as may be decided by the council shall be conducted through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the Mayor may make such remarks as he thinks necessary.

38-A. Entrustment of additional functions to Mayor.—The Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act.”.

## PART—IV

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL  
CORPORATION ACT, 1981.Amendment of  
section 3.

6. In section 3 of the Coimbatore City Municipal Corporation Act, 1981 (hereinafter in this Part referred to as the 1981 Act), in sub-section (3), for clause (a), the following clauses shall be substituted, namely:—

“(a) a Mayor;

“(aa) a council;”.

Substitution of  
section 39.

7. For section 39 of the 1981 Act, the following sections shall be substituted, namely:—

“39. Prerogative of the Mayor.—(1) The Mayor shall have full access to all records of the corporation and may obtain reports from the commissioner on any matter connected with the administration of the corporation.

(2) All important official correspondence between the corporation and the Government as may be decided by the council shall be conducted through the Mayor.

(3) The Mayor shall be bound to transmit communications addressed through him by the commissioner to the Government or by the Government to the commissioner. While transmitting communications from the commissioner to the Government, the Mayor may make such remarks as he thinks necessary.

39-A. Entrustment of additional functions to Mayor.—The Government may, subject to the provisions of this Act and the rules made thereunder, by notification, entrust to the Mayor such additional functions as it may deem necessary for carrying out the purposes of this Act.”.

Tamil Nadu  
Act  
15 of 1971Tamil Nadu  
Act  
25 of 1981

## PART—V

## AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.

8. In section 4 of the Tiruchirappalli City Municipal Corporation Act, 1994, for clause (1), the following clauses shall be substituted, namely:— Amendment of section 4.

- "(1) a Mayor;  
(1-a) a council;".

## PART—VI

## AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

9. In section 4 of the Tirunelveli City Municipal Corporation Act, 1994, for clause (1), the following clauses shall be substituted, namely:— Amendment of section 4.

- "(1) a Mayor;  
(1-a) a council;".

## PART—VII

## AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

10. In section 4 of the Salem City Municipal Corporation Act, 1994, for clause (1), the following clauses shall be substituted, namely:— Amendment of section 4.

- "(1) a Mayor;  
(1-a) a council;".

## PART—VIII

## AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

11. In section 4 of the Tiruppur City Municipal Corporation Act, 2008, for clause (1), the following clauses shall be substituted, namely:— Amendment of section 4.

- "(1) a Mayor;  
(1-a) a council;".

## PART—IX

## AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

12. In section 4 of the Erode City Municipal Corporation Act, 2008, for clause (1), the following clauses shall be substituted, namely:— Amendment of section 4.

- "(1) a Mayor;  
(1-a) a council;".



## PART—X

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES  
ACT, 1920Amendment of  
section 68.13. In section 68 of the Tamil Nadu District Municipalities Act, 1920,  
in sub-section (1),—Tamil Nadu  
Act  
V of 1920

(1) for 'The Table', the following Table shall be substituted, namely:—

## " THE TABLE

<i>Grades</i>	<i>Maximum value or amount</i>
(1)	(2)
1. (a) Special Grade Municipalities	Rs. 50,000/-
(b) Selection Grade Municipalities	Rs. 40,000/-
2. I Grade Municipalities	Rs. 30,000/-
3. II Grade Municipalities	Rs. 20,000/-
4. III Grade Municipalities and town panchayats	Rs. 10,000/-";

(2) the Explanation shall be omitted.

(By order of the Governor.)

S. DHEENADHAYALAN,  
Secretary to Government,  
Law Department.