

Tamil Nadu Municipal Corporations Laws (Amendment) Act, 2008

55 of 2008

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Tamil Nadu Municipal Corporations Laws (Amendment) Act, 2008

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An Act further to amend the laws relating to the Municipal Corporations 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:-- 1. Received the Assent of the Governor of Tamil Nadu on November 29, 2008 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No.364, pages 247-251, dated December 2, 2008.

PART 1 PRELIMINARY

1. Short Title And Commencement :-

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

(2) It shall be deemed to have come into force on the 26th day of August 2008.

PART 2

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919

2. Substitution Of Sections 78 And 79 :-

For Sections 78 and 79 of the Chennai City Municipal Corporation Act, 1919 (hereafter in this Part referred to as the 1919 Act) (Tamil Nadu Act IV of 1919), the following Sections shall be substituted, namely:--

"78. Powers of municipal authorities to sanction estimates.-- The powers of the different municipal authorities to sanction estimates shall be as follows:--

(a) when the amount of estimate does not exceed ten lakhs of rupees, the sanction of the concerned Wards Committee shall be required;

(b) when the amount of estimate exceeds ten lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the Commissioner shall be required;

(c) when the amount of estimate exceeds fifty lakhs of rupees but does not exceed sixty lakhs of rupees, the sanction of the Mayor shall be required;

(d) when the amount of estimate exceeds sixty lakhs of rupees but does not exceed seventy-five lakhs of rupees, the sanction of the concerned Standing Committee (other than the Standing Committee on Taxation and Finance) shall be required;

(e) when the amount of estimate exceeds seventy-five lakhs of rupees but does not exceed one crore of rupees, the sanction of the Standing Committee on Taxation and Finance shall be required;

(f) when the amount of estimate exceeds one crore of rupees but does not exceed ten crores of rupees, the sanction of the Council shall be required;

(g) when the amount of estimate exceeds ten crores of rupees, the sanction of the State Government shall be required.

79. Works costing more than sixty lakhs of rupees.--

(1) Where a project is framed for the execution of any work or series of works, the entire estimated cost of which exceeds sixty

lakhs of rupees,--

(a) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,--

(i) before the concerned Standing Committee (other than the Standing Committee on Taxation and Finance), if the entire estimated cost exceeds sixty lakhs of rupees but does not exceed seventy-five lakhs of rupees;

(ii) before the Standing Committee on Taxation and Finance, if the entire estimated cost exceeds seventy-five lakhs of rupees but does not exceed one crore of rupees;

(iii) before the Council, if the entire estimated cost exceeds one crore of rupees;

(b) the concerned Standing Committee or the Standing Committee on Taxation and Finance or the Council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the Council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds ten crores of rupees, the same shall be submitted to the State Government.

(b) The State Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the State Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the State Government."

3. Amendment Of Section 80 :-

In Section 80 of the 1919 Act, for subsection (2), the following sub-section shall be substituted, namely:--

"(2) Every contract on behalf of the Corporation shall be made by the Commissioner subject to the following provisions, namely:--

(a) no contract the estimated cost of which does not exceed ten lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the concerned Wards Committee;

(b) any contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the Commissioner;

(c) no contract the estimated cost of which exceeds fifty lakhs of

rupees but does not exceed sixty lakhs of rupees shall be made by the Commissioner, unless it has been sanctioned by the Mayor;

(d) no contract the estimated cost of which exceeds sixty lakhs of rupees but does not exceed seventy-five lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the concerned Standing Committee (other than the Standing Committee on Taxation and Finance);

(e) no contract the estimated cost of which exceeds seventy-five lakhs of rupees but does not exceed one crore of rupees shall be made by the Commissioner unless it has been sanctioned by the Standing Committee on Taxation and Finance;

(f) no contract the estimated cost of which exceeds one crore of rupees but does not exceed ten crores of rupees shall be made by the Commissioner unless it has been sanctioned by the Council;

(g) no contract the estimated cost of which exceeds ten crores of rupees shall be made by the Commissioner unless it has been sanctioned by the State Government;

(h) every contract the estimated cost of which exceeds forty thousand rupees made by the Commissioner shall be reported to the concerned Standing Committee within fifteen days from the date on which it has been made."

PART 3

AMENDMENTS TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971

4. Substitution Of Sections 97 And 98 :-

For Sections 97 and 98 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) (hereafter in this Part referred to as the 1971 Act), the following Sections shall be substituted, namely:--

"97. Powers of Municipal Authorities to sanction estimates.-- The powers of the different Municipal Authorities to sanction estimates shall be as follows:--

(a) when the amount of estimate does not exceed five lakhs of rupees, the sanction of the concerned Wards Committee shall be required;

(b) when the amount of estimate exceeds five lakhs of rupees but does not exceed ten lakhs of rupees, the sanction of the Commissioner shall be required;

(c) when the amount of estimate exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees, the sanction of the Mayor shall be required;

- (d) when the amount of estimate exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees, the sanction of the concerned Standing Committee (other than the Standing Committee on Taxation and Finance) shall be required;
- (e) when the amount of estimate exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the Standing Committee on Taxation and Finance shall be required;
- (f) when the amount of estimate exceeds fifty lakhs of rupees but does not exceed one crore of rupees, the sanction of the Council shall be required;
- (g) when the amount of estimate exceeds one crore of rupees, the sanction of the Government shall be required.

98. Works costing more than twenty lakhs of rupees.--

(1) Where a project is framed for the execution of any work or series of works, the entire estimated cost of which exceeds twenty lakhs of rupees,--

(a) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,--

(i) before the concerned Standing Committee (other than the Standing Committee on Taxation and Finance), if the entire estimated cost exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees;

(ii) before the Standing Committee on Taxation and Finance, if the entire estimated cost exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees;

(iii) before the Council, if the entire estimated cost exceeds fifty lakhs of rupees;

(b) the concerned Standing Committee or the Standing Committee on Taxation and Finance or the Council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the Council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds one crore of rupees, the same shall be submitted to the Government.

(b) The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government."

5. Amendment Of Section 99 :-

In Section 99 of the 1971 Act, for subsection (2), the following sub-section shall be substituted, namely:--

"(2) Every contract on behalf of the Corporation shall be made by the Commissioner subject to the following provisions, namely:--

(a) no contract the estimated cost of which does not exceed five lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the concerned Wards Committee;

(b) any contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the Commissioner;

(c) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the Mayor;

(d) no contract the estimated cost of which exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the concerned Standing Committee (other than the Standing Committee on Taxation and Finance),

(e) no contract the estimated cost of which exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the Standing Committee on Taxation and Finance;

(f) no contract the estimated cost of which exceeds fifty lakhs of rupees but does not exceed one crore of rupees shall be made by the Commissioner unless it has been sanctioned by the Council;

(g) no contract the estimated cost of which exceeds one crore of rupees shall be made by the Commissioner unless it has been sanctioned by the Government;

(h) every contract the estimated cost of which exceeds ten thousand rupees made by the Commissioner shall be reported to the concerned Standing Committee within fifteen days from the date on which it has been made".

PART 4

AMENDMENTS TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981

6. Substitution Of Sections 99 And 100 :-

For Sections 99 and 100 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) (hereafter in this Part referred to as the 1981 Act), the following Sections shall

be substituted, namely:--

"99. Powers of Municipal Authorities to sanction estimates.-- The powers of the different Municipal Authorities to sanction estimates shall be as follows:--

(a) when the amount of estimate does not exceed five lakhs of rupees, the sanction of the concerned Wards Committee shall be required;

(b) when the amount of estimate exceeds five lakhs of rupees but does not exceed ten lakhs of rupees, the sanction of the Commissioner shall be required;

(c) when the amount of estimate exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees, the sanction of the Mayor shall be required;

(d) when the amount of estimate exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees, the sanction of the concerned Standing Committee (other than the Standing Committee on Taxation and Finance) shall be required;

(e) when the amount of estimate exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees, the sanction of the Standing Committee on Taxation and Finance shall be required;

(f) when the amount of estimate exceeds fifty lakhs of rupees but does not exceed one crore of rupees, the sanction of the Council shall be required;

(g) when the amount of estimate exceeds one crore of rupees, the sanction of the Government shall be required.

100. Works costing more than twenty lakhs of rupees.--

(1) Where a project is framed for the execution of any work or series of works, the entire estimated cost of which exceeds twenty lakhs of rupees,--

(a) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and shall lay the same,--

(i) before the concerned Standing Committee (other than the Standing Committee on Taxation and Finance), if the entire estimated cost exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees;

(ii) before the Standing Committee on Taxation and Finance, if the entire estimated cost exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees;

(iii) before the Council, if the entire estimated cost exceeds fifty lakhs of rupees;

(b) the concerned Standing Committee, or the Standing Committee

on Taxation and Finance or the Council, as the case may be, shall consider the report and may approve it either in its entirety or subject to modifications or may reject the same.

(2) (a) Where the Council approves the project, subject to any modifications or otherwise, the entire estimated cost of which exceeds one crore of rupees, the same shall be submitted to the Government.

(b) The Government may sanction the project either in its entirety or subject to modifications or may reject the same and the work shall not be commenced without such sanction of the Government.

(c) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of the Government."

7. Amendment Of Section 101 :-

In Section 101 of the 1981 Act, for sub-section (2), the following sub-section shall be substituted, namely:--

"(2) Every contract on behalf of the Corporation shall be made by the Commissioner subject to the following provisions, namely:--

(a) no contract the estimated cost of which does not exceed five lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the concerned Wards Committee;

(b) any contract the estimated cost of which exceeds five lakhs of rupees but does not exceed ten lakhs of rupees shall be made by the Commissioner;

(c) no contract the estimated cost of which exceeds ten lakhs of rupees but does not exceed twenty lakhs of rupees shall be made by the Commissioner, unless it has been sanctioned by the Mayor;

(d) no contract the estimated cost of which exceeds twenty lakhs of rupees but does not exceed thirty lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the concerned Standing Committee (other than the Standing Committee on Taxation and Finance);

(e) no contract the estimated cost of which exceeds thirty lakhs of rupees but does not exceed fifty lakhs of rupees shall be made by the Commissioner unless it has been sanctioned by the Standing Committee on Taxation and Finance;

(f) no contract the estimated cost of which exceeds fifty lakhs of rupees but does not exceed one crore of rupees shall be made by the Commissioner unless it has been sanctioned by the Council;

(g) no contract the estimated cost of which exceeds one crore of rupees shall be made by the Commissioner unless it has been

sanctioned by the Government;

(h) every contract the estimated cost of which exceeds ten thousand rupees made by the Commissioner shall be reported to the concerned Standing Committee within fifteen days from the date on which it has been made.".

8. Repeal And Saving :-

(1) The Tamil Nadu Municipal Corporations Laws (Amendment) Ordinance, 2008 (Tamil Nadu Ordinance 6 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done, or any action taken under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act 4 of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), as amended by the said Ordinance, shall be deemed to have been done or taken under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act 4 of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) and the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), as amended by this Act.