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Part IV—Section 1

Tamil Nadu Bills

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Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 11th January, 2018 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 10 of 2018

A Bill further to amend the Tamil Nadu Panchayats Act, 1994.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2018.

Short title and commencement.

(2) It shall be deemed to have come into force on the 28th day of December 2017.

Tamil Nadu Act 21 of 1994.

2. In section 261-A of the Tamil Nadu Panchayats Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Amendment of section 261-A.

Tamil Nadu Ordinance 8 of 2017.

3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2017 is hereby repealed.

Repeal and saving.

Tamil Nadu Act 21 of 1994.

(2) Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu Panchayats Act, 1994, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members of village panchayats, panchayat union councils and district panchayats and also to the office of presidents of village panchayats. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016 while upholding the Government Orders has, among other things, directed the Tamil Nadu State Election Commission to issue fresh notification to conduct election and complete such election process at the earliest, not later than the 31st December 2016 and has also directed the Government to administer the local bodies by appointment of Special Officers till the elections are held, as the terms of office of the elected representatives of local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above directions of the High Court, Madras, Special Officers were appointed to the village panchayats, panchayat union councils and the district panchayats under section 261-A of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) till elections to the said village panchayats, panchayat union councils and the district panchayats are held and the term of office of the said Special Officers was due to expire on the 31st December 2017.

2. Further, a Writ Appeal No.1268/2017 was filed by the Tamil Nadu State Election Commission before the High Court of Madras against the order in W.P.No.33984/2016. In the said Appeal, on 04.09.2017, the High Court of Madras has ordered that the notification announcing elections to local bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to local bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the Appeal on 06.09.2017. In view of the said orders of High Court of Madras, particularly with reference to the pendency of Appeal in Supreme Court, the Tamil Nadu State Election Commission has filed Interlocutory Application (I.A.) in the Supreme Court seeking direction on the orders of High Court of Madras, and the same is pending before the Supreme Court. In these circumstances, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2017 and orders in the said Contempt Petition have been reserved.

3. In the meanwhile, Special Leave to Appeal (C) Petition Nos. 28881-28883/2016 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court have been admitted as Civil Appeal Nos. 5467-5469/2017. The said Civil Appeals filed for delimitation of territorial wards of local bodies and for other matters connected therewith are still pending before the Supreme Court. Another Writ Petition (Civil) No.769/2017(PIL-W) has also been filed before the Supreme Court seeking orders for conducting local bodies elections, which has been tagged along with the aforesaid Civil Appeal Nos. 5467-5469/2017 by the Supreme Court in its order dated the 6th November 2017. In the said Writ Petition (C) No.769/2017, in its order dated the 27th November 2017, the Supreme Court has ordered that the petitioner should approach the High Court under Article 226 of the Constitution of India.

4. Taking into consideration of the pendency of Civil Appeals for delimitation of territorial wards of local bodies based on the population figures of 2011 census and demands from various political parties and general public for the same, the Government have enacted the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for constitution of Delimitation Commission for undertaking delimitation of territorial wards of Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Municipalities and Municipal Corporations. By virtue of the said Act, the Delimitation Commission has been constituted under the Chairmanship of Tamil Nadu State Election Commissioner with four members on the 21st July 2017. In order to conduct local bodies election based on the population figures of last preceding census, namely, 2011 census as per Articles 243(f) and 243P(g) of the Constitution, the Delimitation Commission has conducted series of meetings and framed time schedules to complete the delimitation of territorial wards of the local bodies and to submit the recommendations thereon to the Government before the 31st January 2018 so that further action can be taken by the Government before the 28th February 2018. In view of ongoing task of delimitation of territorial wards of the local bodies, the Government amended the laws relating to Municipal Corporations, Municipalities and Panchayats by the Tamil Nadu Local Bodies (Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 4 of 2017) with a view to conduct local bodies election based on the proposed delimitation of territorial wards as per the last preceding census (2011 census) of which the relevant figures have been published.

5. Further, the minimum number of days required under rule 24 of the Tamil Nadu Panchayats (Elections) Rules, 1995 were not available to conduct ordinary elections before the 31st December 2017 for the offices of ward members of the village panchayats, panchayat union councils and district panchayats and also to the office

of presidents of village panchayats. As the term of office of the Special Officers appointed under section 261-A of the said Tamil Nadu Act 21 of 1994, was due to expire on the 31st December 2017, ordinary elections to the panchayats could not be conducted before the 31st December 2017.

6. In view of the circumstances stated above and the 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. Hence, it was proposed to make suitable arrangements for administering the affairs of the rural local bodies considering the expiry of term of office of the Special Officers on the 31st December 2017. The Government, therefore, decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 30th June 2018 or until the first meeting of Village Panchayats, Panchayat Union Councils and the District Panchayats is held after the ordinary elections to the said Panchayats, whichever is earlier. Accordingly, the Governor has promulgated the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 8 of 2017) on the 28th December 2017 and the same was published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 28th December 2017.

7. The Bill seeks to replace the said Ordinance.

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and Rural Development,
Implementation of Special Programme.*

K. BOOPATHY,
Secretary