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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 27th September, 2021.

L. A. BILL No. 8 OF 2021.

A BILL FURTHER TO AMEND THE TELANGANA PANCHAYAT RAJ ACT, 2018.

Be it enacted by the Legislature of the State of Telangana in the Seventy-Second Year of the Republic of India as follows:-

1. (1) This Act may be called the Telangana Panchayat Raj (Amendment) Act, 2021.

(2) It shall come into force on such date as the State Government may, by notification in the Telangana Gazette, appoint.

Short title
and
commence-
ment.

[1]

B. 43-1 (GH)

Amendment of section 3, Act No. 5 of 2018.

2. In the Telangana Panchayat Raj Act, 2018 (hereinafter referred to as the principal Act), in section 3,-

(1) for sub-section (2), the following sub-section shall be substituted, namely,-

“(2) The State Legislature may, by way of amendment to this Act, modify or add or alter Schedule VIII of this Act so as to,-

(a) form a new village by separation of local area from any village or by uniting two or more villages or parts of villages or by uniting any local area to a part of any village;

(b) increase the local area of any village;

(c) diminish the local area of any village;

(d) alter the boundaries of any village;

(e) alter the name of any village;

(f) merge a village or a part of a village to any Nagar Panchayat or Municipality or Municipal Corporation;

(g) remove a village from the purview of this Act;

(h) describe the area of the Village.”.

(2) sub-sections (3) and (4) shall be omitted.

Amendment of section 4.

3. In the principal Act, in section 4, in sub-section (1), in clause (c), for the words “by a notification in terms of section 3, from the date of such notification.” the words “by way of an amendment in terms of section 3, from the date of such amendment.” shall be substituted.

Amendment of section 5.

4. In the principal Act, in section 5, in sub-section (2), for the words “issue a notification in terms of sub-section (3) of section 3” the words “issue an amendment in terms of section 3” shall be substituted.

Amendment of section 23.

5. In the principal Act, in section 23, for the word and expression “person,-”, the words and expression “contesting candidate for the post of Sarpanch, Member of Mandal Praja Parishad Territorial Constituency and Member of Zilla Praja Parishad Territorial Constituency,-” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In the Telangana Panchayat Raj Act, 2018 (Telangana Act No. 5 of 2018), the process to amend the Schedule VIII for the purposes of formation of new villages, increase or diminish the local area of any village, alter the boundary or name of any village etc., is provided in sub-sections (2), (3) and (4) of section 3 of the Act. As per these provisions, the draft notification for the said purposes has to be laid in both the Houses of the Legislature and after its approval only, the notification has to be issued. This process is quite elaborate and time taking.

To avoid such elaborate and time taking procedure in amending the Schedule VIII of the Panchayat Raj Act, 2018, Government have decided to amend the Schedule VIII of the Panchayat Raj Act, 2018 by way of suitable legislation.

Accordingly, it has been decided to substitute the sub-section (2) and omit the sub-sections (3) and (4) of section 3 of the Telangana Panchayat Raj Act, 2018 (Telangana Act No. 5 of 2018) and to make consequential modifications to section 4 and 5 by amending the Act suitably.

Further, it is proposed to amend section 23 of the Telangana Panchayat Raj Act, 2018 which deals with "Disqualification for failure to lodge account of Election Expenses". In this section the word "person" represents contesting candidate of Ward Member, Sarpanch, Member of Mandal Praja Parishad Territorial Constituency and Member of Zilla Praja Parishad Territorial Constituency. In order to remove ambiguity, it has been decided to substitute the word "person" with the words "contestng candidate" for the post of Sarpanch, Member of Mandal Praja Parishad Territorial Constituency and Member of Zilla Praja Parishad Territorial Constituency".

The Bill seeks to give effect to the above decisions.

ERRABELLI DAYAKAR RAO,

Minister for Panchayat Raj,
Rural Development & RWS.

FINANCIAL MEMORANDUM

Due to Amendment to Telangana Panchayat Raj Act, 2018 by substituting sub-section (2) of section 3 amendment and omission of sub-sections (3) and (4) of section 3, amendment of Section 4, amendment of section 5 and amendment of section 23, there will be no financial implication on the Consolidated fund of the State of Telangana.

ERRABELLI DAYAKAR RAO,
Minister for Panchayat Raj,
Rural Development & RWS.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (2) of the Bill authorizes the Government to issue notification in respect of matters specified therein and generally to carry out the purposes of the Act and such notification issued which is intended to cover matters mostly of procedural in nature.

The above provisions of the Bill regarding delegated legislation are thus of normal type and are mainly intended to cover matters of procedure.

ERRABELLI DAYAKAR RAO,

Minister for Panchayat Raj,
Rural Development & RWS.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN
THE TELANGANA LEGISLATIVE ASSEMBLY.**

The Telangana Panchayat Raj (Amendment) Bill, 2021, after it is passed by both the Houses of State Legislature, may be submitted to the Governor for her assent under article 200 of the Constitution of India.

ERRABELLI DAYAKAR RAO,
Minister for Panchayat Raj,
Rural Development & RWS.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.