

The following Ordinance which was promulgated by the Governor on the 27th December 2016 is hereby published for general information:-

TAMIL NADU ORDINANCE No. 3 OF 2016.

An Ordinance further to amend the Tamil Nadu Panchayats Act, 1994.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

1. (1) This Ordinance may be called the Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 2016.

Short title and commencement.

(2) It shall come into force at once.

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 2016", the expression "upto the 30th day of June 2017" shall be substituted.

Amendment of section 261-A.

27th December 2016.

CH. VIDYASAGAR RAO,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

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. In the meantime, a Writ Petition was filed in the High Court of Madras challenging the said notification. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016, among other things, has 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.

2. Based on the above direction of the Hon'ble High Court of Madras, the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) has been amended by the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 1 of 2016) to appoint Special Officers to exercise the powers and discharge the functions of the village panchayats, panchayat union councils and the district panchayats until the day on which the first meeting of the council is held after ordinary elections to the said panchayats after the date of commencement of the said Tamil Nadu Ordinance 1 of 2016 or upto the 31st December 2016, whichever is earlier. Pursuant to the above Ordinance, Special Officers were appointed to administer the village panchayats, panchayat union councils and the district panchayats.

3. The Tamil Nadu State Election Commission has stated that the current Electoral Roll of the Tamil Nadu Legislative Assembly will be the basis for Panchayat Electoral Roll under rule 14 of the Tamil Nadu Panchayats (Election) Rules, 1995 and that the current Electoral Roll of the Tamil Nadu Legislative Assembly is expected to be made available from the Election Commission of India only in the month of January 2017. On receipt of Assembly Electoral Rolls, the Tamil Nadu State Election Commission shall be in a position to prepare the corresponding Panchayat Electoral Rolls. The State Election Commission has further stated that the annual examination for school students including the HSC (12th Standard) and SSLC (10th Standard) are scheduled to be held between the 2nd March 2017 and the middle of April 2017 and that most of the polling personnel are drafted from the teaching staff of School Education Department and therefore they cannot be deployed for the election duties for conducting local bodies elections and also most of the school premises are used as polling station, which will be available only after the annual examination and valuation of answer sheets are over in the month of April 2017. Hence, the Tamil Nadu State Election Commission has requested that an appropriate action may be taken by the Government to make suitable arrangements for administering the affairs of the rural local bodies considering the expiry of term of office of Special Officers on the 31st December 2016.

4. The Government have, 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 2017 or until the first meeting of the council is held after the ordinary elections to the village panchayats, panchayat union councils and the district panchayats, whichever is earlier.

5. The Ordinance seeks to give effect to the above decision.

(By Order of the Governor)

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