

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

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 30th January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 2 of 2017

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:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 17th day of October 2016.

Insertion of new section 261-A.

2. After section 261 of the Tamil Nadu Panchayats Act, 1994, the following section shall be inserted, namely:-

Tamil Nadu Act
21 of 1994.

“261-A. Appointment of Special officers.—Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the village panchayats, the panchayat union councils or the district panchayats, as the case may be, until the day on which the first meetings of the village panchayats, panchayat union councils or the district panchayats, as the case may be, are held after ordinary elections to said panchayats after the date of commencement of the Tamil Nadu Panchayats (Amendment) Act, 2017 or upto the 30th day of June 2017, whichever is earlier.”.

Repeal and saving.

3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2016 and the Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 2016 are hereby repealed.

Tamil Nadu
Ordinance 1
of 2016.

Tamil Nadu
Ordinance 3
of 2016.

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

Tamil Nadu Act
21 of 1994.

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 the 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 and W.M.P.Nos.29329 and 29330 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, as the present terms of the local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above direction of the High Court, Madras, the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) was 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 district panchayats until the day on which the first meeting of the said Panchayats are 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 said Tamil Nadu Ordinance 1 of 2016, Special Officers were appointed to administer the village panchayats, panchayat union councils and district panchayats.

2. 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. 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. Accordingly, the Governor has promulgated the Tamil Nadu Panchayats (Fourth Amendment) Ordinance, 2016 (Tamil Nadu Ordinance 3 of 2016) on the 27th December 2016 and the same has been published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 30th December 2016 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 district panchayats, whichever is earlier.

3. The Bill seeks to replace the said Ordinances.

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