



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

BILL 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 10th July, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 30 of 2017.

A Bill to provide for the Constitution of Delimitation Commission for delimitation of territorial wards of Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Municipalities and Municipal Corporations and for matters connected therewith or incidental thereto.

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 Delimitation Commission Act, 2017.

Short title and commencement.

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

2. In this Act unless the context otherwise requires,—

Definitions.

(a) “Commission” means the Delimitation Commission constituted under section 3;

(b) “Government” means the State Government;

(c) “local body” means,—

(i) a village panchayat, panchayat union or district panchayat constituted under the Tamil Nadu Panchayats Act, 1994;

Tamil Nadu Act
21 of 1994.

(ii) a town panchayat or municipality constituted under the Tamil Nadu District Municipalities Act, 1920; and

Tamil Nadu
Act V of
1920.

(iii) a municipal corporation established under any law for the time being in force;

(d) "member" means a member of the Commission and includes the Chairman; and

(e) "Tamil Nadu State Election Commissioner" means the State Election Commissioner appointed by the Governor of Tamil Nadu under Article 243K of the Constitution.

Constitution of
Delimitation
Commission.

3. (1) As soon as may be after the commencement of this Act, the Government shall constitute a Commission to be called the Delimitation Commission which shall consist of the following members, namely:—

(a) The Tamil Nadu State Election Commissioner, who shall be the Chairman, ex-officio;

(b) The Director of Rural Development and Panchayat Raj, ex-officio;

(c) The Commissioner of Municipal Administration, ex-officio;

(d) The Director of Town Panchayats, ex-officio;

(e) The Commissioner of Chennai City Municipal Corporation, ex-officio;

(f) the Secretary, Tamil Nadu State Election Commission, who shall be the Member–Secretary, ex-officio.

(2) The headquarters of the Commission shall be located within the limits of Chennai City Municipal Corporation.

Functions of
Commission.

4. (1) The Commission shall perform the following functions, namely:—

(a) to make recommendations for fixing the total number of members to be elected to every local body on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published;

(b) to make recommendations for dividing the area of every local body into as many wards as the number of members required to be elected to that local body on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published;

(c) to make recommendations to determine the boundaries of the wards in every local body;

(d) to make recommendations with a view to ensure that the population of each ward in every local body shall, as far as practicable, be the same throughout that local body;

(e) to make recommendations to have every territorial wards, as far as practicable, be geographically compact area;

(f) to make recommendations to determine the territorial ward or wards in which seats are reserved for Scheduled Castes, Scheduled Tribes and Women in every local body on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) to make periodical reports at prescribed intervals to the Government; and

(h) to perform such other functions as the Government may specify from time to time.

Central Act V
of 1908.

5. (1) The Commission shall determine its own procedure and shall, in the performance of its functions, have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

Powers of
Commission.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorize any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorized by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and the proceedings and orders of the Commission shall be expressed in terms of the views of the majority.

6. The Commission shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations.

Meeting of
Commission.

7. The Commission shall appoint such number of employees as may be necessary for the efficient performance of its functions. The terms and conditions of service of the employees of the Commission shall be such as may be provided in the regulations.

Staff of
Commission.

8. The Government may issue to the Commission such directions as in their opinion are necessary or expedient for carrying out the purposes of this Act and the Commission shall give effect to all such directions.

Power to issue
directions.

9. The Commission shall have power to act notwithstanding the temporary absence of a member or the existence of a vacancy in the Commission and no act or proceeding of the Commission shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

Proceedings
of
Commission
not to be
invalidated
by infirmities.

Central Act
XLV of 1860.

10. The Chairman, members, the Member-Secretary and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, or regulation or order or direction made or issued under this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Members and
employees of
Commission
to be public
servants.

Protection of
action taken
in good faith.

11. No suit or other legal proceeding shall lie against the Government, the Commission or any member thereof or any employee or person acting under the direction of the Government or the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or regulation, order or direction made or issued under this Act.

Power to make
regulations.

12. The Commission may, with the previous approval of the Government, make regulations for carrying out the provisions of the Act.

Power to
remove
difficulties.

13. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act, do anything which appears to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

The issues in regard to delimitation of wards in every local body with reference to the population as ascertained at the 2011 census of which the relevant figures have been published and reservation of wards for the Scheduled Castes, Scheduled Tribes and Women based on the 2011 census figures are serious and very sensitive in nature. The Government have therefore decided to constitute a Delimitation Commission to make recommendations for carrying out delimitation of wards in every local body and matter connected therewith or incidental thereto.

2. The Bill seeks to give effect to the above decision.

S.P. VELUMANI,
*Minister for Municipal Administration,
Rural Development and Implementation
of Special Programme.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 1 (2), 3 (h), 8 and 13 of the Bill authorize the Government to make issue directions or orders, and clauses 6, 7 and 12 of the Bill also enable the Delimitation Commission to make regulation, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

S.P. VELUMANI,
*Minister for Municipal Administration,
Rural Development and Implementation
of Special Programme.*

FINANCIAL MEMORANDUM

The Bill provides for the constitution of Delimitation Commission for delimitation of wards in local bodies. The Bill when enacted would involve expenditure from the Consolidated Fund of the State. It is, however, not possible at this stage to estimate with any degree of accuracy, the expenditure to be incurred as a result of the proposed legislation.

S.P. VELUMANI,

*Minister for Municipal Administration,
Rural Development and Implementation
of Special Programme.*

K. BOOPATHY,

Secretary (In-charge).