

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 8th January, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 10 of 2019

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-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2019. Short title and commencement.

(2) It shall be deemed to have come into force on the 31st day of December 2018.

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 2018”, the expression “upto the 30th day of June 2019” shall be substituted. Amendment of section 261-A.

Tamil Nadu
Ordinance 4
of 2018.

3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2018 is hereby repealed.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 / councillors of village panchayats, panchayat unions 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 unions and district panchayats till elections to the said village panchayats, panchayat unions and district panchayats are held and last extended the term of Special Officers upto the 31st December 2018. The term of office of the said Special Officers was due to expire on the 31st December 2018.

2. Further, a Writ Appeal No.1268/2016 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.No.88126/2017) in the Supreme Court seeking direction to permit to conduct election to the local bodies on the basis of the delimitation of territorial wards determined by the Delimitation Commission and the same is also 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.1268/2016. The Tamil Nadu State Election Commissioner and Secretary to Tamil Nadu State Election Commission have filed affidavit explaining the causes for non-compliance of the orders passed in the said Writ Appeal. Further, in the said Contempt Petition, the Court directed the Government to file an affidavit explaining the reasons as to the alleged non-compliance of the orders and also directed to produce the files relating to the promulgation of the Tamil Nadu Ordinance No. 4 of 2017. The Government have filed an affidavit on the 24th September 2018 in the High Court of Madras. In pursuance of the further directions of the High Court dated the 24th September 2018, the Government have also filed additional affidavits on the 26th October 2018 and the same are taken on record. As such, the Contempt Petition No.1697 of 2017 in W.A.No.1268 of 2016 is still pending in the High Court.

3. The Civil Appeal Nos.5467-5469/2017 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court for delimitation of territorial wards of local bodies and for other matters connected therewith are still pending before the Supreme Court. In the meantime and in pursuance of orders of Supreme Court in W.P.(C)No.769/2017, Writ Petition No.22646/2017 has been filed before the Madurai Bench of Madras High Court for conducting elections to the local bodies and the same is also pending.

4. The Tamil Nadu Delimitation Commission has been constituted under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for determining delimitation of territorial wards of village panchayats, panchayat unions, district panchayats, Town Panchayats, Municipalities and Municipal Corporations to conduct local bodies election based on the population figures of last preceding census, namely, 2011 census as required under Articles 243(f) and 243P(g) of the Constitution. The Tamil Nadu Delimitation Commission has recently submitted its recommendations on the delimitation of territorial wards of rural local bodies to the Government. Based on the recommendation of Tamil Nadu Delimitation Commission, the territorial wards of rural local bodies have been notified and the same have been published in the respective District Gazette, dated the 14th December 2018. Thereafter, the Tamil Nadu Delimitation Commission shall submit its recommendations on the reservation of seats for the person belonging to the Scheduled Castes, Scheduled Tribes and women as required under section 4(1)(f) of the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017). After the completion of these process, the schedule for conducting ordinary elections to the rural local bodies will be notified by the Tamil Nadu State Election Commission.

5. In the circumstances stated above, ordinary election to village panchayats, panchayat unions and district panchayats could not be conducted and therefore the term of office of Special Officers has to be extended, since the term of office of the Special Officers was due to expire on the 31st December 2018. 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 2019 or until the first meeting of council is held after the ordinary elections to the village panchayats, panchayat unions and district panchayats, whichever is earlier. Accordingly, the Governor has promulgated the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2018 (Tamil Nadu Ordinance 4 of 2018) on the 30th December 2018 and the same was published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 31st December 2018.

6. The Bill seeks to replace the said Ordinance.

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Secretary.