

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 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 31 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 Seventieth Year of the Republic of India as follows:—

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

(2) It shall be deemed to have come into force on the 22nd day of June 2019.

Tamil Nadu Act 21 of 1994. 2. In section 261-A of the Tamil Nadu Panchayats Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Amendment of section 261-A.

Tamil Nadu Ordinance 3 of 2019. 3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2019 is hereby repealed.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 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 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 direction of the High Court, Madras, Special Officers were appointed to the village panchayats, panchayat unions and district panchayats, from time to time, and the term of office of the said Special Officers was due to expire on the 30th June 2019.

2. Further, in Writ Appeal No.1268/2016 in W.P. No.33984/ 2016 filed by the Tamil Nadu State Election Commission, the High Court of Madras on 04.09.2017 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 the meantime, 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 and the same is also pending.

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 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. Again another Writ Petition (C) No.1267/2018 has also been filed before the Supreme Court praying for conducting the Local Bodies Elections. The said Civil Appeal and Writ Petitions are also pending.

4. Taking into consideration of the pendency of Civil Appeals for delimitation of territorial wards of Local Bodies based on the population figures of 2011 census, the Government have constituted Delimitation Commission under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for undertaking delimitation of territorial wards of Rural and Urban Local Bodies based on the population figures of last preceding census, namely, 2011 census as required under Articles 243(f) and 243P(g) of the Constitution. Based on the recommendations of Tamil Nadu Delimitation Commission, the territorial wards of rural local bodies have been notified in the District Gazette, dated the 14th December 2018 and the reservation of seats for the person belonging to the Scheduled Castes, Scheduled Tribes and women in general and women belonging to the Scheduled Castes and Scheduled Tribes in Rural Local Bodies has also been notified in the *Tamil Nadu Government Gazette* and the District Gazette, dated the 20th May 2019 and the 21st May 2019, respectively.

5. The Tamil Nadu State Election Commission has stated that in view of Parliamentary Elections, as the Model Code of Conduct was in force from March, 2019, the Returning Officer / District Collectors have expressed their inability to take up the exercise of preparatory work for conducting the Local Bodies election simultaneously with Parliamentary Election work. The Electoral Roll prepared by the Election Commission of India on Legislative Assembly wise has to be converted into ward wise to the identified Polling Stations. The hard copy as well as the soft copies of Electoral Roll have been obtained with due approval of the Election Commission of India only recently and the work is in progress. The Election Commission of India has given their approval for the soft copies of the Electoral Roll only during April, 2019 and this Electoral Roll has to be converted into ward wise for which the National Informatics Centre (NIC) has sought for 95 days time to complete the task. Therefore, before preparing the Local Body Electoral Roll, it is not possible for announcing the date of Local Body Elections.

6. In these circumstances, the term of office of the Special Officers was due to expire on the 30th June 2019. 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 31st December 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, 2019 (Tamil Nadu Ordinance 3 of 2019) on the 22nd June 2019 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 22nd June 2019.

7. The Bill seeks to replace the said Ordinance.

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of Special Programme.*

K. SRINIVASAN,
Secretary.