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Part IV—Section 1

Tamil Nadu Bills

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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 16th September, 2020 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 36 of 2020

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 Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 2020. Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of July 2020.

Tamil Nadu Act 21
of 1994.

2. In section 261-A of the Tamil Nadu Panchayats Act, 1994, for the expression “to said panchayats after the date of commencement of the Tamil Nadu Panchayats (Amendment) Act, 2017 or upto the 30th day of June 2020”, the expression “to the said panchayats in the districts of Kancheepuram, Chengalpattu, Villupuram, Kallakurichi, Vellore, Ranipet, Tirupathur, Tirunelveli and Tenkasi after the date of commencement of the Tamil Nadu Panchayats (Amendment) Act, 2017 or upto the 31st day of December 2020” shall be substituted. Amendment of section 261-A.

Tamil Nadu
Ordinance
7 of 2020.

3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2020 is hereby repealed.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 Special Officers to the Village Panchayats, Panchayat Unions and District Panchayats were appointed in pursuance of the orders of the Hon'ble High Court of Madras in W.P. No.33984 of 2016, dated the 4th October 2016. The term of office of the said Special Officers of the three tier panchayats were extended, from time to time, and lastly extended upto the 30th June 2020.

2. The Hon'ble Supreme Court of India in I.A.No.182868 of 2019 in Civil Appeal Nos.5467-5469 of 2017, dated the 6th December 2019 read with W.P. (Civil) No.1443 of 2019, dated the 11th December 2019 has, among other things, directed that the Respondent-authorities shall hold elections to all Panchayats at village, intermediate and district levels, except those in the nine reconstituted districts namely, Kancheepuram, Chengalpattu, Vellore, Tirupathur, Ranipet, Villupuram, Kallakurichi, Tirunelveli and Tenkasi and also directed to delimit the nine newly reconstituted districts in accordance with law and thereafter hold elections for their panchayats at the village, intermediate and district levels within a period of three months. Accordingly, the Tamil Nadu State Election Commission conducted ordinary elections for electing the ward members of Village Panchayats, Panchayat Unions and District Panchayats and to the offices of the President of Village Panchayats and the elected representatives have also assumed office on 06.01.2020 except for the nine newly reconstituted districts.

3. Following the direction of the Hon'ble Supreme Court of India in I.A No.182868 of 2019 in Civil Appeal Nos. 5467-5469 of 2017, dated the 6th December 2019 read with W.P (Civil) No. 1443 of 2019, dated the 11th December 2019, the Tamil Nadu Delimitation Commission has conducted series of meetings with the District Delimitation Authorities for finalization of territorial wards of the Rural Local Bodies in the nine newly reconstituted districts and submitted its recommendation thereon to the Government and the same are under active consideration of the Government. Further, for conducting ordinary elections to Rural Local Bodies, the Tamil Nadu State Election Commission has initiated swift actions, namely, preparation of Local Body Electoral Rolls, identification of Polling Stations, revision of certain Booklets, training to officials for conducting elections and development of software for randomization of polling official.

4. In the meantime, due to sudden outbreak of pandemic disease namely COVID-19, high alert / lock down has been declared by the Central Government and the State Government and an order under section 144 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974) has been issued. Consequent on the said measures, only limited employees of the Government are permitted to work in the offices. Further, the machinery of the Government are engaged in taking preventive, protective, relief and welfare measures on a war footing, to mitigate the suffering of the people due to the outbreak of COVID-19. Hence, the notification of delimitation of territorial wards of three tier panchayats in the nine newly reconstituted districts and the preparatory works could not be completed as per the planned schedule of activities.

5. Further, after notification of the delimitation of territorial wards of Village Panchayats, Panchayat Unions and District Panchayats the reservation of seats for Scheduled Castes, Scheduled Tribes and Women in the territorial wards of all the three tiers of panchayats will have to be notified. Thereafter, the reservation of office for Scheduled Castes, Scheduled Tribes and Women in all the three tier of Panchayats have also to be notified by the Government. Only thereafter, the Tamil Nadu State Election Commission could be enabled to notify the schedule for the conduct of ordinary elections to the Rural Local Bodies in the nine newly reconstituted districts, as ordered by the Hon'ble Supreme Court. In view of the above, additional time is required for the Tamil Nadu State Election Commission to complete the preparatory works for the conduct of election to the Rural Local Bodies.

6. In the circumstances stated above, as the term of office of the Special Officers of Village Panchayats, Panchayat Unions and District Panchayats in the districts of Kancheepuram, Chengalpattu, Vellore, Tirupathur, Ranipet, Villupuram, Kallakurichi, Tirunelveli and Tenkasi was due to expire on the 30th June 2020, the Government decided to amend section 261-A of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), so as to extend the term of office of the said Special Officers for a further period of six months upto the 31st December 2020 or until the first meeting of the council is held after the ordinary elections to the Village Panchayats, Panchayat Unions and District Panchayats, whichever is earlier.

7. Accordingly, the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2020 (Tamil Nadu Ordinance 7 of 2020) was promulgated by the Governor on the 30th June 2020 and the same was published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 1st July 2020.

8. The Bill seeks to replace the said Ordinance.

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

Chennai-600 009,
16th September 2020.

K. SRINIVASAN,
Secretary.