

**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 Tamil Nadu on 18th October, 2022 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 47 of 2022

**A Bill further to amend the Tamil Nadu District
Municipalities Act, 1920.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-third Year of Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu District Municipalities (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 30th day of June 2022.

Insertion of new section 3-UU.

2. After section 3-U of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:-

Tamil Nadu Act
V of 1920.

3-UU. Appointment of Special Officer to Town Panchayat in certain circumstances.— Notwithstanding anything contained in this Act, or in any other law for the time being in force, in respect of Kadambur Town Panchayat in Thoothukudi district, which could not be constituted on the 1st day of July 2022, even after resorting to election process, the State Government may, by notification, appoint a Special Officer to exercise the powers and discharge the functions of the said Town Panchayat, until the day on which the first meeting of the council is held after ordinary election to that Town Panchayat or upto the 31st day of December 2022, whichever is earlier.

Repeal and saving.

3. (1) The Tamil Nadu District Municipalities (Amendment) Ordinance, 2022 is hereby repealed.

Tamil Nadu
Ordinance
2 of 2022.

(2) Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu District Municipalities Act, 1920, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

Tamil Nadu Act
V of 1920.

STATEMENT OF OBJECTS AND REASONS.

The Special Officers to the Town Panchayats, Municipalities and Municipal Corporations 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 Town Panchayats, Municipalities and Municipal Corporations was extended from time to time and lastly upto the 30th June 2022.

2. Subsequently, Ordinary Elections to all the Urban Local Bodies in the State, namely, 21 City Municipal Corporations, 138 Municipalities and 490 Town Panchayats, was notified to be held on 19.02.2022 and elections were held to all the said local bodies except to Kadambur Town Panchayat in Thoothukudi district.

3. The Tamil Nadu State Election Commission brought to the notice of the Government that, it had cancelled the election proceedings in respect of all the Wards of the Kadambur Town Panchayat in Thoothukudi district, due to non-compliance of the provisions of the Tamil Nadu Town Panchayats, Municipalities and Corporations (Elections) Rules, 2006 by the Returning and Assistant Returning Officers on the day of scrutiny of nominations on 5.2.2022. Further, the High Court of Madras in Writ Petitions (MD) Nos. 3131, 3132 and 3133 of 2022, by order dated 27.04.2022 had restrained the Commission and the other respondents from holding election to the post of Ward Members of the said Town Panchayat till 14.06.2022.

4. In view of the orders of the Hon'ble High Court, the Tamil Nadu State Election Commission was not in a position to conduct election to the post of Ward Members of Kadambur Town Panchayat in Thoothukudi district before expiry of the term of the Special Officer of the said Kadambur Town Panchayat on 30.06.2022.

5. In the said circumstance, the Government decided to extend the term of the Special Officer in respect of Kadambur Town Panchayat in Thoothukudi district for a further period of six months from 01.07.2022 to 31.12.2022 or until the day on which the first meeting of the Council is held after the ordinary election to that Town Panchayat, whichever is earlier, by suitably amending the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

6. Accordingly, the Tamil Nadu District Municipalities (Amendment) Ordinance, 2022 (Tamil Nadu Ordinance 2 of 2022) was promulgated by the Hon'ble Governor on the 29th June 2022 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 30th June 2022.

7. The Bill seeks to replace the above said Ordinance.

K.N. NEHRU,
Minister for Municipal Administration.

STATEMENT UNDER RULE 168 OF THE TAMIL NADU LEGISLATIVE ASSEMBLY RULES EXPLAINING THE CIRCUMSTANCES WHICH NECESSITATED THE PROMULGATION OF THE TAMIL NADU DISTRICT MUNICIPALITIES (AMENDMENT) ORDINANCE, 2022 (TAMIL NADU ORDINANCE 2 OF 2022).

The Special Officers to the Town Panchayats, Municipalities and Municipal Corporations 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 Town Panchayats, Municipalities and Municipal Corporations was extended from time to time and lastly upto the 30th June 2022.

2. Subsequently, Ordinary Elections to all the Urban Local Bodies in the State, namely, 21 City Municipal Corporations, 138 Municipalities and 490 Town Panchayats, was notified to be held on 19.02.2022 and elections were held to all the said local bodies except to Kadambur Town Panchayat in Thoothukudi district.

3. The Tamil Nadu State Election Commission brought to the notice of the Government that, it had cancelled the election proceedings in respect of all the Wards of the Kadambur Town Panchayat in Thoothukudi district, due to non-compliance of the provisions of the Tamil Nadu Town Panchayats, Municipalities and Corporations (Elections) Rules, 2006 by the Returning and Assistant Returning Officers on the day of scrutiny of nominations on 5.2.2022. Further, the High Court of Madras in Writ Petitions (MD) Nos. 3131, 3132 and 3133 of 2022 by order dated 27.04.2022 had restrained the Commission and the other respondents from holding election to the post of Ward Members of the said Town Panchayat till 14.06.2022.

4. In view of the orders of the Hon'ble High Court, the Tamil Nadu State Election Commission was not in a position to conduct election to the post of Ward Members of Kadambur Town Panchayat in Thoothukudi district before expiry of the term of the Special Officer of the said Kadambur Town Panchayat on 30.06.2022.

5. In the said circumstance, the Government decided to extend the term of the Special Officer in respect of Kadambur Town Panchayat in Thoothukudi district for a further period of six months from 01.07.2022 to 31.12.2022 or until the day on which the first meeting of the Council is held after the ordinary election to that Town Panchayat, whichever is earlier, by suitably amending the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

6. As the Legislative Assembly of the State was not in session at that time, it became necessary to promulgate an Ordinance to give effect to the above decision. Accordingly, the Tamil Nadu District Municipalities (Amendment) Ordinance, 2022 (Tamil Nadu Ordinance 2 of 2022) was promulgated by the Hon'ble Governor on the 29th June 2022 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 30th June 2022.

K.N. NEHRU,
Minister for Municipal Administration.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Section 3-UU proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) by clause 2 of the Bill, authorises the Government to issue notification to appoint a Special Officer for Kadambur Town Panchayat in Thoothukudi district.

2. The power delegated is normal and not of an exceptional character.

K.N. NEHRU,
Minister for Municipal Administration.

Secretariat,
Chennai-600 009,
18th October 2022.

K. SRINIVASAN,
Secretary.