

8. MISCELLANEOUS

8.46 The Tamil Nadu Panchayats (Appointment of Counsel and incurring of Law Charges) Rules, 1999

G.O. (Ms) No. 166, Rural Development (C4), Department, Dated 9th August 1999

In exercise of the powers conferred by sub-section (1) of Section 242 of the Tamil Nadu Panchayats Act, 1994, (Tamil Nadu Act 21 of 1994) and in supersession of the rules relating to Appointment of Counsel and payment of fees in certain cases, the Governor of Tamil Nadu hereby makes the following Rules:-

RULES

1. Short Title - These Rules may be called the Tamil Nadu Panchayats (Appointment of Counsel and incurring of Law Charges) Rules, 1999.

2. Applicability of the Rules - These Rules shall apply to Village Panchayats, Panchayat Unions and District Panchayats.

3. Fee payable to the Counsel - (1) When both the Government and a Panchayat are parties in a civil case in which the correctness of the survey of lands vested in the Panchayat is in question and the interests of both are identical, the Panchayat shall engage on its behalf only the Counsel appointed by the Government or the District Collector on behalf of the Government. In such cases, the fee payable to the Counsel shall be borne by the Government and the Panchayat in the proportion of two-thirds and one-third, respectively.

(2) In civil cases other than those mentioned in Rule 3 where both the Government and a Panchayat are parties and their pleadings are similar the Panchayat shall engage on its behalf only the Counsel appointed on behalf of the Government. In such cases, the fee payable to the Counsel and other incidental charges and any expenses incurred after the proceedings on behalf of the Government and the Panchayats became joint and in furtherance of such joint proceedings, shall be borne by the Government and the Panchayat in equal shares.

(3) These Rules shall not apply to appeals filed by Panchayat against the decision of civil Courts. In case of appeals by Panchayat against the decision of any Court, the Panchayat concerned shall discuss the legal opinion obtained on the issue from a competent Counsel and take a decision. The fee and allowances to be paid to the Counsel shall also be decided by the Panchayat.

(4) In cases where Inspector considers of importance nature to safeguard the interest of Panchayat to be defended or argued by Advocate-General of Tamil Nadu, the Senior Counsel at a significant cost, the same shall be brought to the notice of the Government. The decision of the Government shall be final. In all such cases, fees shall be fully paid by the Panchayat concerned.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT