

7.18 Amendment to Section 211 & 212 of Tamil Nadu Panchayats Act, 1994 regarding moving of no confidence motion against the Vice President of Village Panchayat, Chairman or Vice Chairman of Panchayat Union Council or Chairman or Vice-Chairman of District Panchayat

**TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY NOTIFICATION NO. 348
CHENNAI, THURSDAY, DECEMBER 13, 2007**

TAMIL NADU ORDINANCE NO. 9 OF 2007

An Ordinance further to amend the Tamil Nadu Panchayats Act, 1994.

WHEREAS, the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance -

1. (1) This Ordinance may be called the Tamil Nadu Panchayats (Seventh Amendment) Ordinance, 2007.

Short Title and commencement

(2) it shall come into force at once.

2. In section 211 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act)-

Amendment of section 211

(1) in sub-section (2), for the expression "not less in number than one-half of the sanctioned strength" the expression "not less in number than three-fifth of the sanctioned strength" shall be substituted;

(2) in sub-section (13), for the expression "not less than two-thirds of the sanctioned strength", the expression "not less than four-fifth of the sanctioned strength" shall be substituted;

(3) in sub-section (14), for the expression "six months", the expression "one year" shall be substituted;

(4) for sub-section (15), the following sub-section shall be substituted, namely -

"(15) No notice of a motion under this section shall be received-

(i) within one year of the assumption of office by; or

(ii) during the last year of the term of office of a vice-President."

3. In Section 212 of the Principal Act,-

(1) in sub-section (2), for the expression "not less in number than one-half of the sanctioned strength", the expression "not less in number than three-fifth of the sanctioned strength" shall be substituted;

Amendment of section 212

(2) In sub-section (13), for the expression "not less than two-thirds of

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the sanctioned strength", the expression "not less than four-fifth of the sanctioned strength" shall be substituted;

(3) for sub-section (15), the following sub-section shall be substituted, namely - "(15) No notice of a motion under this section shall be received

- (i) within one year of the assumption of office by; or
- (ii) during the last year of the term of office of a chairman or vice-chairman."

4. Any motion expressing want of confidence in the vice-President of a Village Panchayat, chairman or vice-chairman of a Panchayat Union Council or chairman or vice-chairman of a district Panchayat made under the principal Act and pending before any officer, authority of the Government, as the case may be, immediately before the commencement of this Ordinance, shall abate.

Abatement of no confidence motion

SURJIT SINGH BARNALA

Governor of Tamil Nadu

EXPLANATORY STATEMENT

Of late, a large number of no-confidence motions are being received against the vice-Presidents of the Village Panchayats and chairmen and vice-chairmen of the Panchayat Union Councils and district Panchayats. Such large number of no-confidence motions are unprecedented in the long history of the local bodies administration of this State. This may be due to better awareness of the provisions of the statutes on this issue or may be due to the growing intolerance among the elected representatives of the Panchayats, out of political or personal reasons. However, it may also be attributed to unethical practices. This trend tends to divert the focus and attention of the Panchayats and administration from the real issues concerning the welfare of the people such as basic civic needs, infrastructure facilities and other development oriented initiatives and activities. As a result, smooth and cordial atmosphere of the Panchayats are disturbed and also the conduct of the meetings of the said Panchayats, is affected. This also tends to affect the administration of the Panchayats. Though moving and passing of no-confidence motions are considered to be democratic rights, frequent use and misuse of the same will affect the very same democracy.

2. The Government have, therefore, decided to curb the above undesirable trend and accordingly decided to make the provisions relating to moving and passing of no-confidence motions more stringent by amending the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994). The Government have also decided to abate all motions made expressing want of confidence and pending before any officer, authority or the Government, immediately before the commencement of this Ordinance.

3. The Ordinance seeks to give effect to the above decisions.

(By order of the Governor)

S.DHEENADHAYALAN
SECRETARY TO GOVERNMENT-IN-CHARGE
LAW DEPARTMENT