

**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 Sixty-eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force at once.

2. In section 261-A of the Tamil Nadu Panchayats Act, 1994, for the expression "upto the 30<sup>th</sup> day of June 2017", the expression "upto the 31<sup>st</sup> day of December 2017" shall be substituted.

Amendment of section 261-A.

Tamil Nadu  
Act 21 of  
1994.

**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 union councils and district panchayats and in the office of the President of village panchayats. In the meantime, a Writ Petition was filed in the High Court of Madras challenging the said notification. The High Court of Madras in its order, dated 4.10.2016 in W.P.No.33984 of 2016 and W.M.P. Nos.29329 and 29330 of 2016, among other things, has directed the Tamil Nadu State Election Commission to issue fresh notification to conduct election and complete such election process at the earliest, not later than the 31st December 2016 and has also directed the Government to administer the local bodies by appointing Special Officers till the elections are held, as the terms of offices 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 directions of the High Court of Madras, Special Officers were appointed to the village panchayats, panchayat union councils and district panchayats till elections to the said village panchayats, panchayat union councils and district panchayats are held and term of office of the said Special Officers is due to expire on the 30th June 2017.

2. As per the provisions of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) the electoral roll of village panchayats, panchayat union councils and district panchayats shall be the same as the electoral roll of the Tamil Nadu Legislative Assembly prepared and revised in accordance with the provisions of the law for the time being in force in respect of village panchayats, panchayat union councils and district panchayats and shall be deemed to be electoral roll for such village panchayats, panchayat union councils and district panchayats. For the purpose of conducting rural local bodies election, the Tamil Nadu State Election Commission has gone ahead in preparing new electoral roll for rural local body elections with the electoral roll of the Tamil Nadu Legislative Assembly published by the Election Commission of India in January 2017. The work of correlation of the new Tamil Nadu Legislative Assembly electoral roll with electoral roll of rural local bodies will be completed shortly. The completion and verification reports for finalization of draft electoral roll and downloading of electoral rolls with photo images will be completed shortly. The process for generation of supplementary electoral roll of the photo images have to be undertaken. Further, a Writ Appeal was filed by the Tamil Nadu State Election Commission before the High Court of Madras against the order in W.P. No.33984 of 2016. Apart from the said Writ Appeal, Special Leave to Appeal (C) Petition No.28881-28883/2016 was also filed against the order in W.P. No.23411/2016, 23417/2016 and 23418/2016. In the said Special Leave Petition, the Hon'ble Supreme Court of India has ordered on the 6th October 2016 that holding of election will be subject to order that the High Court of Madras may pass in the Letters Patent Appeal.

3. In view of pendency of Writ Appeal before the High Court of Madras and Special Leave Petition before the Hon'ble Supreme Court of India, and the statutory time required for election process, consultation and rule amendments, the Tamil Nadu State Election Commission has requested the Government to extend the tenure of Special Officers for a maximum period of six months from 30.06.2017 to administer the affairs of the rural local bodies beyond the 30th June 2017. The Government have, therefore, decided to extend the term of office of Special Officers beyond the 30th June 2017 for a further period of six months upto the 31st December 2017 and to amend the said Tamil Nadu Act 21 of 1994 suitably to achieve the object in view.

4. The Bill seeks to give effect to the above decision.

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ANNEXURE TO THE TAMIL NADU PANCHAYATS (SECOND AMENDMENT) BILL, 2017.

Existing section.

(1)

261. Transitory provision.-

xxx            xxx            xxx

261-A. **Appointment of Special Officers.**—Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the village panchayats, the panchayat union councils or the district panchayats, as the case may be, until the day on which the first meetings of the village panchayats, panchayat union councils or the district panchayats, as the case may be, are held after ordinary elections to said panchayats after the date of commencement of the Tamil Nadu Panchayats (Amendment) Act, 2017 or upto the 30<sup>th</sup> day of June 2017, whichever is earlier.

Section embodying the Amendment.

(2)

261. Transitory provision.-

xxx            xxx            xxx

261-A. **Appointment of Special Officers.**— Notwithstanding anything contained in this Act, or in any other law for the time being in force, the Government may, by notification, appoint Special Officers to exercise the powers and discharge the functions of the village panchayats, the panchayat union councils or the district panchayats, as the case may be, until the day on which the first meetings of the village panchayats, panchayat union councils or the district panchayats, as the case may be, are held after ordinary elections to said panchayats after the date of commencement of the Tamil Nadu Panchayats (Amendment) Act, 2017 or upto the 31<sup>st</sup> day of December 2017, whichever is earlier.