



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 152]

CHENNAI, WEDNESDAY, JUNE 24, 2009
Aani 10, Thiruvalluvar Aandu-2040

Part IV—Section 1

Tamil Nadu Bills

CONTENTS

	<i>Pages</i>
BILLS :	
No. 10 of 2009—Tamil Nadu Panchayats (Amendment) Act, 2009 ..	62-63
No. 11 of 2009—Tamil Nadu Panchayats (Second Amendment) Act, 2009 ..	65-66
No. 12 of 2009—Tamil Nadu Panchayats (Third Amendment) Act, 2009 ..	67-68

**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 State of Tamil Nadu on 24th June 2009 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 10 OF 2009

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 Sixtieth Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2009.

(2) It shall come into force at once.

Amendment of
section 110.

2. In section 110 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), in clause (g), the expression “or tank” shall be omitted.

Tamil Nadu
Act
21 of 1994.

Amendment of
section 112.

3. In section 112 of the principal Act, for clause (aa), the following clause shall be substituted, namely:—

“(aa) the excavation, repair and maintenance of tanks and the construction of water works for the supply of water for drinking, washing and bathing purposes;”.

STATEMENT OF OBJECTS AND REASONS.

According to clause (g) of section 110 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), it shall be the duty of village panchayats to make reasonable provision for carrying out the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water works for the supply of water for drinking, washing and bathing purposes. Similarly, clause (aa) of section 112 of the said Act, envisages the duty of a Panchayat Union Council to provide for the construction of water works for the supply of water for drinking, washing and bathing purposes. But in practice, village ponds alone are maintained by the village panchayats and the tanks are maintained by the Panchayat Unions. Therefore in order to vest the duty of maintenance of ponds alone with village panchayats and to empower the Panchayat Unions to maintain the tanks, the Government have decided to amend section 110 (g) and section 112 (aa) of the said Tamil Nadu Act 21 of 1994 suitably.

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

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.

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 24th June 2009 is published together with Statement of objects and Reasons for general information:—

L.A. BILL No. 11 OF 2009

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 Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 2009.

Short title,
and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Tamil Nadu
Act 21 of
1994.

2. In section 37 of the Tamil Nadu Panchayats Act, 1994 after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of
Section 37.

“(2-A) A person disqualified for being a member under clause (e) of sub-section (3) of section 38 shall be disqualified for election as a member for a period of six years from the date of such disqualification.”.

STATEMENT OF OBJECTS AND REASONS.

The National Commission for Scheduled Castes and Scheduled Tribes in its Seventh Report has recommended the following:—

“In case of elective offices such as Parliament/Legislative Assembly/Municipal Corporation/Panchayat, the false caste certificate holder should be immediately sacked from the post/chair and must be debarred from contesting election for at least 6 years, besides the punishment provided under law.”

2. The Government of India have requested the State Government to take suitable action, on the above said recommendation. Therefore, the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), so as to give effect to the said recommendation of the National Commission for Scheduled Castes and Scheduled Tribes.

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

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.

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 24th June 2009 is published together with Statement of objects and Reasons for general information:—

L.A. BILL No. 12 OF 2009

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 Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. For section 12 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution of section 12.

“12. *Division of panchayat village into wards.*— (1) For the purpose of election of members to a village panchayat, the Inspector may, after consulting the village panchayat, by notification, divide the panchayat village into wards in accordance with such scale as may be prescribed.

(2) Only one member shall be elected from each ward.”.

3. Notwithstanding anything contained in the Principal Act, as amended by this Act or the rules made thereunder, the members of the wards in the village panchayats who are holding office as such immediately before the date of the commencement of this Act shall continue to hold office till the expiry of their term of office and every casual vacancy in the office of such members shall be filled up in accordance with the provisions of the principal Act and the rules made thereunder.

Elected members of village panchayats to continue as members and casual vacancies to be filled up.

Tamil Nadu
Act 21 of
1994.

STATEMENT OF OBJECTS AND REASONS

Under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of the 1994) panchayat unions and district panchayats are divided into territorial constituencies or "Wards", with each ward represented by only one member is the case with the urban local bodies such as municipal corporations, municipalities and town panchayats. However, in the case of village panchayats, section 12 of the said Act provides for election of multi-members from a single ward of a village panchayat. This system of multi-member wards is in existence in village panchayats only and it has posed several difficulties.

2. The Third High Level Committee headed by the Hon'ble Minister for Rural Development and Local Administration observed that the village panchayat wards are very small both in terms of area and population and hence the multi-member ward system is not sound, and has recommended that the present system of multi-member village panchayat wards should be abolished and replaced with single-member wards. The Government have accepted the recommendation of the said committee and decided to amend section 12 of the said Act so as to elect only one member from each ward of village panchayat and to make a provision to enable the existing elected members in each ward of the village panchayats to continue as members till the expiry of their current term of office fill up the casual vacancies in the office of such members in accordance with the provisions of the said Act and the rules made thereunder.

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

M.K. STALIN,
Deputy Chief Minister.

M. SELVARAJ,
Secretary.