



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Ordinance which was promulgated by the Governor on the 28th December 2017 is hereby published for general information:-

TAMIL NADU ORDINANCE No.8 OF 2017.

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:—

Short title and commencement.

1. (1) This Ordinance may be called the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2017.

(2) It shall come into force at once.

Amendment of section 261-A.

2. In section 261-A of the Tamil Nadu Panchayats Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 21 of 1994.

28th December 2017.

BANWARILAL PUROHIT,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

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 also to the office of presidents of village panchayats. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016 while upholding the Government Orders has, among other things, 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 appointment of Special Officers till the elections are held, as the terms of office 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, Madras, Special Officers were appointed to the village panchayats, panchayat union councils and the district panchayats under section 261-A of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) till elections to the said village panchayats, panchayat union councils and the district panchayats are held and the term of office of the said Special Officers is due to expire on the 31st December 2017.

2. Further, a Writ Appeal No.1268/2017 was filed by the Tamil Nadu State Election Commission before the High Court of Madras against the order in W.P.No.33984/2016. In the said Appeal, on 04.09.2017, the High Court of Madras has ordered that the notification announcing elections to local bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to local bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the Appeal on 06.09.2017. In view of the said orders of High Court of Madras, particularly with reference to the pendency of Appeal in Supreme Court, the Tamil Nadu State Election Commission has filed Interlocutory Application (I.A.) in the Supreme Court seeking direction on the orders of High Court of Madras, and the same is pending before the Supreme Court. In these circumstances, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2017 and orders in the said contempt petition have been reserved.

3. In the meanwhile, Special Leave to Appeal (C) Petition Nos.28881-28883/2016 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court have been admitted as Civil Appeal Nos.5467-5469/2017. The said Civil Appeals filed for delimitation of territorial wards of local bodies and for other matters connected therewith are still pending before the Supreme Court. Another Writ Petition (Civil) No.769/2017(PIL-W) has also been filed before the Supreme Court seeking orders for conducting local bodies elections, which has been tagged along with the aforesaid Civil Appeal Nos. 5467-5469/2017 by the Supreme Court in its order dated the 6th November 2017. In the said Writ Petition (C) No.769/2017, in its order dated the 27th November 2017, the Supreme Court has ordered that the petitioner should approach the High Court under Article 226 of the Constitution of India.

4. Taking into consideration the pendency of Civil Appeals for delimitation of territorial wards of local bodies based on the population figures of 2011 census and demands from various political parties and general public for the same, the Government have enacted the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for constitution of Delimitation Commission for undertaking delimitation of territorial wards of Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Municipalities and Municipal

Corporations. By virtue of the said Act, the Delimitation Commission has been constituted under the Chairmanship of Tamil Nadu State Election Commissioner with four members on the 21st July 2017. In order to conduct local bodies election based on the population figures of last preceding census, namely, 2011 census as per Articles 243(f) and 243P(g) of the Constitution, the Delimitation Commission has conducted series of meetings and framed time schedules to complete the delimitation of territorial wards of the local bodies and to submit the recommendations thereon to the Government before the 31st January 2018 so that further action can be taken by the Government before the 28th February 2018. In view of ongoing task of delimitation of territorial wards of the local bodies, the Government have amended the laws relating to Municipal Corporations, Municipalities and Panchayats by the Tamil Nadu Local Bodies (Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 4 of 2017) with a view to conduct local bodies election based on the proposed delimitation of territorial wards as per the last preceding census (2011 census) of which the relevant figures have been published.

5. Further, the minimum number of days required under rule 24 of the Tamil Nadu Panchayats (Elections) Rules, 1995 are not available to conduct ordinary elections before the 31st December 2017 in the offices of ward members of the village panchayats, panchayat union councils and district panchayats and also to the office of presidents of village panchayats. As the term of office of the Special Officers appointed under section 261-A of the said Tamil Nadu Act 21 of 1994 will expire on the 31st December 2017, it will not be possible to conduct ordinary elections to the panchayats on or before the 31st December 2017.

6. In view of the circumstances stated above and the pendency of cases in the High Court of Madras and the Supreme Court of India, ordinary elections to the local bodies could not be conducted till date. Hence, it has been proposed to make suitable arrangements for administering the affairs of the rural local bodies considering the expiry of term of office of the Special Officers on the 31st December 2017. The Government have, therefore, decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 30th June 2018 or until the first meeting of Village Panchayats, Panchayat Union Councils and the District Panchayats, is held after the ordinary elections to the said Panchayats, whichever is earlier.

7. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government,
Law Department.*

The following Ordinance which was promulgated by the Governor on the 28th December 2017 is hereby published for general information:-

TAMIL NADU ORDINANCE No. 9 OF 2017.

An Ordinance further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

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:—

PART-I.

PRELIMINARY.

1. (1) This Ordinance may be called the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2017. Short title and commencement.
- (2) It shall come into force at once.

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu Act IV of 1919.

2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression "upto the 31st day of December 2017", the expression "upto the 30th day of June 2018" shall be substituted. Amendment of section 414-B.

PART-III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu Act V of 1920.

3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression "upto the 31st day of December 2017", the expression "upto the 30th day of June 2018" shall be substituted. Amendment of section 375-B.

PART-IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu Act 15 of 1971.

4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression "upto the 31st day of December 2017", the expression "upto the 30th day of June 2018" shall be substituted. Amendment of section 510-AAA.

PART-V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu Act 25 of 1981.

5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression "upto the 31st day of December 2017", the expression "upto the 30th day of June 2018" shall be substituted. Amendment of section 511-AAA.

PART-VI.**AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT, 1994.**

Amendment of section 10-A.

6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 27 of 1994.

PART-VII.**AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.**

Amendment of section 10-A.

7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 28 of 1994.

PART-VIII.**AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.**

Amendment of section 10-A.

8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 29 of 1994.

PART-IX.**AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.**

Amendment of section 9-A.

9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 7 of 2008.

PART-X.**AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.**

Amendment of section 9-A.

10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 8 of 2008.

PART-XI.**AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.**

Amendment of section 9-A.

11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 26 of 2008.

PART-XII.**AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.**

Amendment of section 9-A.

12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 31st day of December 2017”, the expression “upto the 30th day of June 2018” shall be substituted.

Tamil Nadu Act 27 of 2008.

PART-XIII.**AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION
ACT, 2013.**

Tamil Nadu
Act 24 of
2013.

13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for the expression "upto the 31st day of December 2017", the expression "upto the 30th day of June 2018" shall be substituted.

Amendment of
section 9-A.

PART-XIV.**AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION
ACT, 2013.**

Tamil Nadu
Act 25 of
2013.

14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for the expression "upto the 31st day of December 2017", the expression "upto the 30th day of June 2018" shall be substituted.

Amendment of
section 9-A.

28th December 2017.

BANWARILAL PUROHIT,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

The Tamil Nadu State Election Commission has issued notification for conducting elections for the purpose of filling up of ordinary vacancies in the offices of ward members/councillors of Town Panchayats, Municipalities and Municipal Corporations. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016, while upholding Government orders, 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 appointment of Special Officers till the elections are held, as the terms of office 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, Madras, Special Officers were appointed to the Town Panchayats, Municipalities and Municipal Corporations till elections to the said Town Panchayats, Municipalities and Municipal Corporations are held and term of office of the said Special Officers is due to expire on the 31st December 2017.

2. Further, a Writ Appeal No.1268/2017 was filed by the Tamil Nadu State Election Commission before the High Court of Madras against the order in W.P.No.33984/2016. In the said Appeal, on 4th September 2017, the High Court of Madras has ordered that the notification announcing elections to local bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to local bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the Appeal on 06.09.2017. In view of the said orders of High Court of Madras, particularly with reference to the pendency of Appeal in Supreme Court, the Tamil Nadu State Election Commission has filed Interlocutory Application (I.A.) in the Supreme Court seeking direction on the orders of High Court of Madras, and the same is pending before the Supreme Court. In these circumstances, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2017 and orders in the said contempt petition have been reserved.

3. In the meanwhile, Special Leave to Appeal (C) Petition Nos.28881-28883/2016 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court have been admitted as Civil Appeal Nos. 5467-5469/2017. The said Civil Appeals filed for delimitation of territorial wards of local bodies and for other matters connected therewith are still pending before the Supreme Court. Another Writ Petition (Civil) No.769/2017(PIL-W) has also been filed before the Supreme Court seeking orders for conducting local bodies elections, which has been tagged along with the aforesaid Civil Appeal Nos.5467-5469/2017 by the Supreme Court in its order dated the 6th November 2017. In the said Writ Petition (C) No.769/2017, in its order dated the 27th November 2017, the Supreme Court has ordered that the petitioner should approach the High Court under Article 226 of the Constitution of India.

4. Taking into consideration the pendency of Civil Appeals for delimitation of territorial wards of local bodies based on the population figures of 2011 census and demands from various political parties and general public for the same, the Government have enacted the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for constitution of Delimitation Commission for undertaking delimitation of territorial wards of Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Municipalities and Municipal Corporations. By virtue of the said Act, the Delimitation Commission

has been constituted under the Chairmanship of Tamil Nadu State Election Commissioner with four members on the 21st July 2017. In order to conduct local bodies election based on the population figures of last preceding census, namely, 2011 census as per Articles 243(f) and 243P(g) of the Constitution, the Delimitation Commission has conducted series of meetings and framed time schedules to complete the delimitation of territorial wards of the local bodies and to submit the recommendations thereon to the Government before the 31st January 2018 so that further action can be taken by the Government before the 28th February 2018. In view of ongoing task of delimitation of territorial wards of the local bodies, the Government have amended the laws relating to Municipal Corporations, Municipalities and Town Panchayats by the Tamil Nadu Local Bodies (Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 4 of 2017) with a view to conduct local bodies election based on the delimitation of territorial wards as per the last preceding census (2011 census) of which the relevant figures have been published.

5. Further, the minimum number of days required under rule 22 of the Tamil Nadu Town Panchayats, Third Grade Municipalities, Municipalities and Municipal Corporations (Elections) Rules, 2006 are not available to conduct ordinary elections before the 31st December 2017 for the offices of ward members of the Town Panchayats and councillors of Municipalities and Municipal Corporations. As the term of office of the Special Officers appointed under the laws relating to Town Panchayats, Municipalities and Municipal Corporations, will expire on the 31st December 2017, it will not be possible to conduct ordinary elections to the Town Panchayats, Municipalities and Municipal Corporations on or before the 31st December 2017.

6. In view of the circumstances stated above and the pendency of cases in the High Court of Madras and the Supreme Court of India, ordinary elections to the local bodies could not be conducted till date. Hence, it has been proposed to make suitable arrangements for administering the affairs of the rural local bodies considering the expiry of term of office of the Special Officers on the 31st December 2017. The Government have, therefore, decided to amend the laws relating to Town Panchayats, Municipalities and Municipal Corporations so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 30th June 2018 or until the first meeting of council, is held after the ordinary elections for Town Panchayats, Municipalities and Municipal Corporations, whichever is earlier.

7. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government,
Law Department.