

Tamil Nadu Panchayats (Second Amendment) Act, 2007

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Statement of Objects and Reasons² Sub-section (4) of Section 37 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) empowers the Tamil Nadu State Election Commission to declare a person to be disqualified for being chosen as, and for being, a member or president, as the case may be, if he has failed to lodge an account of election expenses within the time and in the manner required by or under the said Act and has no good reason or justification for the failure. Sub-section (1) of Section 41 of the said Act contemplates certain procedure to decide the question of disqualification of members of panchayats under Sections 33, 35, 37, 38 and 40 of the said Act. According to the said sub-section (1) of Section 41, allegation of disqualification against a member should be placed at the next meeting of the panchayat concerned and if such member does not Appeal to the prescribed judicial authority within two months, he shall become disqualified from the date of expiry of the said two months. If an Appeal is made within two months, pending decision on such Appeal, the member is entitled to act as if he is qualified. As the provisions in sub-section (1) of Section 41 appear to be innocuous yet it limits the absolute power of the Tamil Nadu State Election Commission under sub-section (4) of Section 37, the Government have decided to amend Section 41 of the said Tamil Nadu Act 21 of 1994, so as to exclude sub-section (4) of Section 37 from the said Section 41 in order to enable the Tamil Nadu State Election Commission to exercise its powers under the said sub-section (4) of Section 37 efficaciously. 2. The Bill seeks to give effect to the above decision. PREAMBLE An Act further to amend the Tamil Nadu Panchayats Act, 1994. Be it

enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:-- 1. Received the Assent of the Governor of Tamil Nadu on the June 7, 2007 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Iss. No. 157, page 53, dated June 8, 2007. 2. Vide L.A. Bill No. 12 of 2007 as introduced in the Tamil Nadu Legislative Assembly on May 8, 2007 -- Published in the Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 1, Issue No.113, pages 49-50, dated May 8, 2007.

1. Short Title And Commencement :-

- (1) This Act may be called the Tamil Nadu Panchayats (Second Amendment) Act, 2007.
- (2) It shall come into force at once.

2. Amendment Of Section 41 :-

In Section 41 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), in sub-section (1), for the expression "disqualified under Sections 33, 35; 37, 38 and 40", the expression "disqualified under Section 33 or Section 35 or sub-section (1), (2) or (3) of Section 37 or Section 38 or Section 40" shall be substituted.