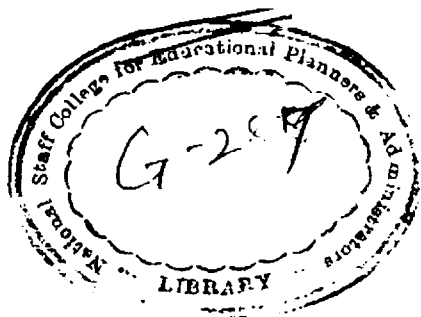


THE TAMIL NADU PANCHAYATS ACTS,1958

TAMIL NADU ACT NO. 11 OF 1970

GOVERNMENT OF TAMIL NADU LAW DEPARTMENT

GOVERNMENT OF TAMIL NADU
1972



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GOVERNMENT OF TAMIL NADU
LAW DEPARTMENT.

TAMIL NADU ACT No. 11 OF 1970

[Received the assent of the Governor on the 29th April 1970,
first published in the Tamil Nadu Government Gazette
Extraordinary on the 30th April 1970 (Vasakha 10,
1892).]

*An Act further to amend the Tamil Nadu Panchayats Act,
1958.*

BE it enacted by the Legislature of the State of Tamil Nadu
in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be
called the Tamil Nadu Panchayats (Amendment) Act, 1970.

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

2. *Amendment of section 3, Tamil Nadu Act XXXV of
1958.*—In section 3 of the Tamil Nadu Panchayats Act, 1958
(Tamil Nadu Act XXXV of 1958) (hereinafter referred to as
the principal Act), in sub-section (1),—

(i) in the opening paragraph, for the words "The
Inspector shall by notification", the words "The Inspector"
shall be substituted;

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(ii) in clause (a), for the words " classify and declare every local area ", the words " may, by notification, classify and declare every local area possessing urban characteristics and " shall be substituted;

(iii) in clause (b), for the words " classify and declare ", the words " shall, by notification, classify and declare " shall be substituted;

(iv) in clause (c), for the words " specify the name ", the words " shall, by notification, specify the name " shall be substituted.

3. *Amendment of section 5, Tamil Nadu Act XXXV of 1958.*—In section 5 of the principal Act, in sub-section (3), in clause (b), after the words " the members of the panchayat " occurring at the commencement, the words " including the president " shall be inserted.

4. *Amendment of section 7, Tamil Nadu Act XXXV of 1958.*—In section 7 of the principal Act, in sub-section (4), in clause (i) after the word " any " the word " area " shall be inserted.

5. *Amendment of section 10, Tamil Nadu Act XXXV of 1958.*—In section 10 of the principal Act, in sub-section (1), after the words " members of a panchayat ", the brackets and words " (exclusive of its president) " shall be inserted.

6. *Amendment of section 12, Tamil Nadu Act XXXV of 1958.*—In section 12 of the principal Act, in sub-section (2),—

(1) in clause (i), for the words " all the members of panchayats and township committees ", the words " all the members of panchayats and township committees and the presidents of panchayats " shall be substituted;

(2) in clause (ii), for the words " all the members of that panchayat or of that township committee ", the words " all the members and the president of that panchayat or all the members of that township committee " shall be substituted.

7. *Amendment of section 17, Tamil Nadu Act XXXV of 1958.*—In section 17 of the principal Act, in the proviso to sub-section (1), for the words " six months ", the words " one year " shall be substituted.

8. *Amendment of section 20, Tamil Nadu Act XXXV of 1958.*—In section 20 of the principal Act,—

(1) in sub-section (1), before the *Explanation*, the following proviso shall be inserted, namely :—

“ Provided that any person who is entitled to be included in a separate part of the electoral roll for such Assembly Constituency by virtue of a statement referred to in section 20 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), shall not be eligible for being included in the electoral roll for the panchayat prepared for the purpose of this Act, unless he makes an application giving the particulars of his address in the village or town to the person authorised under sub-section (2) for such inclusion. ” ;

(2) in sub-section (2), before the *Explanation*, the following proviso shall be inserted, namely :—

“ Provided that no alteration to the electoral roll shall be published after the last date for filing of nomination and before the notification of the results of election.”.

9. *Amendment of section 25, Tamil Nadu Act XXXV of 1958.*—In section 25 of the principal Act, in sub-section (2), for the words “ at the date of nomination or election ”, the words “ at the last date for filing of nomination or at the date of election ” shall be substituted.

10. *Substitution of new section for section 28, Tamil Nadu Act XXXV of 1958.*— For section 28 of the principal Act, the following section shall be substituted, namely :—

“ 28. *Authority to decide questions of disqualification of members.*—(1) Whenever it is alleged that any person who has been elected as a member of a panchayat or who becomes a member of a panchayat union council is not qualified or has become disqualified under sections 22, 24, 25, 26, or 27-A, the executive authority or the commissioner, as the case may be, shall, by notice in writing, inform such member of the allegation and place the matter at the next meeting of the panchayat or panchayat union council. If before the date of the expiry of two months from the date of receipt of such notice such member does not apply to the prescribed judicial authority under sub-section (2), he shall become not qualified or disqualified from such date of expiry of the said two months.

(2) The executive authority or the commissioner, as the case may be, if so directed by the panchayat or panchayat union council or by the Inspector, shall, and any such member or any other member may, apply to the prescribed judicial authority whose decision on such allegation, shall be final.

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(3) Where an application has been made under subsection (2), the member shall, pending decision on such application, be entitled to act as if he is qualified or were not disqualified.

(4) Nothing contained in this section shall be deemed to affect the provisions of section 27."

11. *Substitution of new sections for sections 30, 31 and 32 of Tamil Nadu Act XXXV of 1958.*—For sections 30, 31 and 32 of the principal Act, the following sections shall be substituted, namely :—

" 30. *Election of president.*—(1) (a) The president shall be elected by the persons whose names appear in the electoral roll for the panchayat from among themselves in accordance with such procedure as may be prescribed.

(b) If at an ordinary or casual election no president is elected, a fresh election shall be held :

Provided that a person who stands for election as president shall not be eligible to stand for election as a member :

Provided further that a person who stands for election as a member shall not be eligible to stand for election as president :

Provided also that no member shall be eligible to stand for election as president.

(2) The election of the president may be held ordinarily at the same times and in the same places as the ordinary elections of the members of the panchayat.

(3) The term of office of the president who is elected at an ordinary election shall, save as otherwise expressly provided in, or may be prescribed under this Act, be five years beginning at noon on the day on which the vacancy occurs :

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the president of any panchayat or of the presidents of any class of panchayats or of the presidents of the panchayats in any panchayat union or of the presidents of all the panchayats be extended or reduced by such period not exceeding one year as may be specified in the notification.

(4) Any casual vacancy in the office of the president shall be filled by a fresh election and a person elected as president in any such vacancy shall enter upon office forthwith and hold office only so long as the person in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred.

(5) Unless the Inspector otherwise directs, no casual vacancy in the office of the president shall be filled within six months before the date on which the ordinary election of the president under sub-section (1) is due.

(6) The provisions of sections 23 to 27 (both inclusive), 27-A and 28 shall, as far as may be, apply in relation to the office of the president as they apply in relation to the office of an elected member of the panchayat.

(7) The president shall be an *ex-officio* member of the panchayat and shall have all the rights and privileges of an elected member of the panchayat.

31. *Election of vice-president.*—(1) The vice-president shall be elected by the panchayat from among its members in accordance with such procedure as may be prescribed.

(2) If at an election held under sub-section (1), no vice-president is elected, a fresh election shall be held for electing a vice-president.

32. *Cessation of office of president and vice-president.*—The president or vice-president shall cease to hold office as such—

(a) in the case of the president, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office or on his otherwise ceasing to be a president;

(b) in the case of the vice-president, on the expiry of his term of office as a member or on his otherwise ceasing to be a member."

12. *Amendment of section 149, Tamil Nadu Act XXXV of 1958.*—In section 149 of the principal Act, after sub-section (2), the following sub-section shall be added, namely:—

"(3) If on a representation in writing made by the president, the Inspector is satisfied that due to the non-cooperation of the members with the president, the panchayat is not able to function, the Inspector may, by notification, authorise the president to perform, subject to the control of the Inspector, such of the duties imposed upon the panchayat by law and for such period not exceeding six months as may be specified in such notification. During the period for which the president is so authorised, there shall be no meeting of the panchayat."

13. *Insertion of new section 149-A in Tamil Nadu Act XXXV of 1958.*—After section 149 of the principal Act, the following section shall be inserted, namely :—

“ 149-A. *Removal of president.*—(1) The Inspector—

(a) of his own motion, or

(b) on a representation in writing signed by not less than two-thirds of the sanctioned strength of the panchayat containing a statement of charges against the president and presented in person to the Inspector by any two of the members of the panchayat.

if satisfied that the president wilfully omits or refuses to carry out or disobeys any provision of this Act, or any rule, by-law, regulation or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing require the president to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the notice.

(2) If the explanation is received within the specified date and the Inspector considers that the explanation is satisfactory, he may drop further action with respect to the notice. If no explanation is received within the specified date or if the explanation received is in his opinion not satisfactory, he shall forward to the tahsildar of the taluk a copy of the notice referred to in sub-section (1) and the explanation of the president if received within the specified date with a proposal for the removal of the president for ascertaining the views of the panchayat.

(3) The tahsildar shall then convene a meeting for the consideration of the notice and the explanation, if any, and the proposal for the removal of the president, at the office of the panchayat at a time appointed by the tahsildar.

(4) A copy of the notice of the meeting shall be caused to be delivered to the president and to all the members of the panchayat by the tahsildar at least seven days before the date of the meeting.

(5) The tahsildar shall preside at the meeting convened under this section and no other person shall preside thereat. If, within half an hour appointed for the meeting, the tahsildar is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members and the president by the tahsildar under sub-section (6).

(6) If the tahsildar is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall be not later than thirty days from the

date appointed for the meeting under sub-section (3). Notice of not less than seven clear days shall be given to the members and the president of the time appointed for the adjourned meeting.

(7) Save as provided in sub-sections (5) and (6), a meeting convened for the purpose of considering the notice and the explanation, if any, and the proposal for the removal of the president under this section shall not for any reason, be adjourned.

(8) As soon as the meeting convened under this section is commenced, the tahsildar shall read to the panchayat the notice of the Inspector and the explanation, if any, of the president, for the consideration of which it has been convened.

(9) The tahsildar shall not speak on the merits of the notice or explanation nor shall he be entitled to vote at the meeting.

(10) The views of the panchayat shall be duly recorded in the minutes of the meeting and a copy of the minutes shall forthwith on the termination of the meeting be forwarded by the tahsildar to the Inspector.

(11) The Inspector, may, after considering the views of the panchayat in this regard, in his discretion either remove the president from office by notification with effect from a date to be specified therein or drop further action.

(12) The Government shall have power to cancel any notification issued under sub-section (11) and may, pending a decision on such cancellation, postpone the date specified in such notification.

(13) Any person in respect of whom a notification has been issued under sub-section (11) removing him from the office of president shall, unless the notification is cancelled under sub-section (12), be ineligible for election as president until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (12) whichever is earlier."

14. *Substitution of new section for section 150, Tamil Nadu Act XXXV of 1958.*—For section 150 of the principal Act, the following section shall be substituted, namely:—

" 150. *Removal of vice-president.*—(1) If in the opinion of the Inspector, the vice-president wilfully omits or refuses to carry out or disobeys any provisions of this Act, or any

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rule, by-law, regulation, or lawful order made or issued under this Act or abuses any power vested in him, the Inspector shall, by notice in writing, require the vice-president to offer within a specified date, his explanation with respect to his acts of omission or commission mentioned in the office.

(2) The provisions of sub-sections (2) to (13) (both inclusive) of section 149-A shall, as far as may be, apply in relation to the removal of the vice-president as they apply in relation to the removal of the president by the Inspector of his own motion."

15. *Amendment of section 152, Tamil Nadu Act XXXV of 1958.*—In section 152 of the principal Act,—

(1) in the marginal note, the words " president or " shall be omitted;

(2) in sub-section (1), the words " president or " shall be omitted;

(3) in sub-section (2), the words " the president or " and " as the case may be " shall be omitted;

(4) in sub-section (3), the words " president or " wherever they occur shall be omitted;

(5) in sub-section (9), the words " president or " shall be omitted;

(6) in sub-section (13), the words " president or " and " as the case may be " shall be omitted;

(7) in sub-section (14), the words " president or " shall be omitted;

(8) in sub-section (15), the words " president or " and " as the case may be " shall be omitted.

16. *Substitution of new section for section 154, Tamil Nadu Act XXXV of 1958.*—For section 154 of the principal Act, the following section shall be substituted, namely:—

" 154. *Dissolution and supersession of panchayats.*—(1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification, direct,—

(a) that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date after holding elections to the office of the members as well as the president and vice-president; or

(b) that the panchayat be superseded for a period not exceeding one year from a specified date and reconstituted either immediately or with effect from another specified date :

Provided that the Government may, for sufficient reason, extend the period of supersession for a period not exceeding one year after the expiry of the period of one year from the date of such supersession.

(2) (a) (i) Notwithstanding anything contained in sub-section (5), the Government, if they think fit that in the interests of the panchayat, it is necessary to restore to office, the members and the vice-president holding office immediately before the date fixed for the supersession, they may, by notification issued before the expiry of the period of supersession direct such restoration with effect from a date specified in that notification.

(ii) In case no such direction has been issued under sub-clause (i), fresh election shall be held to the office of the members including the vice-president but excluding the president of the panchayat.

(b) The members of the panchayat including its vice-president restored to their offices as aforesaid shall hold their offices only so long as they would have been entitled to hold such offices if the panchayat had not been superseded.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat, the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal and consider its explanations and objections, if any.

(4) On the date fixed for the dissolution of a panchayat under sub-section (1), all its members as well as its president and vice-president shall forthwith be deemed to have vacated their offices as such and there upon the provisions contained in the proviso to sub-section (2) of section 11 shall apply.

(5) (a) Subject to the provisions of sub-section (2), on the date fixed for the supersession of the panchayat under sub-section (1), all its members as well as the vice-president shall forthwith be deemed to have vacated their offices as such, but the president shall continue in office for the residue of the term of office. During the period of supersession, the president shall, subject to the control of the Inspector, exercise the powers and discharge the duties of the panchayat.

(b) In case the office of the president is vacant on the date fixed for the supersession of the panchayat or falls vacant before the reconstitution of the panchayat, the provisions contained in the proviso to sub-section (2) of section 11 shall apply.

(6) On the reconstitution of the panchayat after the supersession referred to in clause (b) of sub-section (5), the Government may pass such orders as they deem fit as to the transfer to the panchayat from the panchayat union council of the assets or institutions which were acquired by the panchayat union council during the period of supersession on behalf of the panchayat and as to the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions.

(7) In case the president or vice-president or a member of a panchayat which is dissolved under this section is the chairman or vice-chairman or a member of a panchayat union council, he shall, with effect on and from the date of the dissolution, be deemed to have vacated his office as such chairman, vice-chairman or member notwithstanding anything contained in section 19.

(8) In case the vice-president or a member of a panchayat which is superseded under this section is the chairman or vice-chairman or a member of a panchayat union council, he shall, with effect on and from the date of the supersession, be deemed to have vacated his office as such chairman, vice-chairman or member notwithstanding anything contained in section 19.

(9) On the reconstitution of the panchayat after the dissolution, the Government may pass such orders as they deem fit as to the transfer to the panchayat from the panchayat union council of the assets or institutions which were acquired by the panchayat union council during the period of dissolution on behalf of the panchayat and as to the discharge of the liabilities, if any, of such panchayat relating to such assets or institutions.

(10) (a) In the case of a panchayat reconstituted after dissolution, the elected members including the president; and

(b) subject to the provisions of sub-section (2), in the case of a panchayat reconstituted after supersession, the elected members;

shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix."

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17. *Amendment of section 178, Tamil Nadu Act XXXV of 1958.*—In section 178 of the principal Act, in sub-section (2), after clause (viii), the following clause shall be added, namely :—

“(viii-a) providing for the classification of resolutions of panchayats as those involving financial implications or otherwise and for laying down the proportion of the sanctioned strength of panchayat with whose support such resolution shall be carried;”.

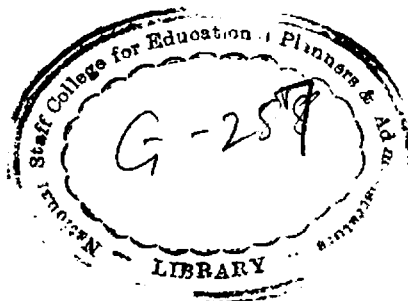
18. *Amendment of section 188, Tamil Nadu Act XXXV of 1958.*—In section 188 of the principal Act,—

(1) in sub-section (2), after the words, “election of the members”, the words “and of the president” and after the words “the newly elected members”, the words “and the president” shall be inserted;

(2) in sub-section (3), after the word “members” in both the places where it occurs, the words “and of the president” shall be inserted.

19. *Saving.*—Notwithstanding anything contained in this Act or in the principal Act as amended by this Act, the president of a panchayat holding office as such on the date of the commencement of this Act, shall continue to hold office as such president for the residue of the term of office as if this Act had not been passed :

Provided that any ordinary or casual vacancy arising after the date of the commencement of this Act in the office of the president shall be filled in accordance with the provisions of the principal Act as amended by this Act.



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