

8.39 Extension of the term of Special Officers of Courtallam and Bhavanisagar Municipalities and Yercaud Town Panchayat - Intimated.

Municipal Administration and Water Supply (Election I) Department

Letter No. 19923 / Elec. I / 97-3, dated 24.6.1997

from

Tmt. S. Malathi, I.A.S.,
Secretary to Government

To

1. The State Election Commissioner
Vadapalani, Chennai-26.(we)
2. The Director of Municipal Administration
Chennai - 5 (we)
3. The Director of Town Panchayats
Chennai - 108 (we)
4. The Collectors
Periyar Trinaveli Kattabomman
Salem Districts (we)
5. The Municipal Commissioners
courtallam / Bhavanisagar Municipalities (we)

Sir,

Sub : Extension of the term of Special Officers of Courtallam and Bhavanisagar Municipalities and Yercaud Town Panchayat - Intimated.

I am directed to enclose a copy of the Tamil Nadu District Municipalities (Second Amendment) Ordinance 1997, (Tamil Nadu Ordinance No.5 of 1997) wherein the term of office of the Special Officers of Courtallam and Bhavanisagar Municipalities and Yercaud Town Panchayat is extended for a further period of three months beyond 30.6.97, for information.

Yours faithfully,
for Secretary to Government

No. 323 Chennai, Thursday, June 19, 1997
Vaikasi 5, Isvara, Thiruvalluvar Aandu - 2028

Part IV - Section 2
Tamil Nadu Acts and Ordinance
CONTENTS

ORDINANCES

No.4 of 1997 - Tamil Nadu Panchayats (Third Amendment and Validation)

No. 5 of 1997 - Tamil Nadu District Municipalities (Second Amendment)

The following Ordinance which was promulgated by the Governor' on the 19th June 1997 is hereby published for general information:-

TAMIL NADU PANCHAYATS No.4 of 1997

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 her to take immediate action for the purpose hereinafter appearing;

NoW therefore, in exercise of the power 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 and Validation) Ordinance, 1997.

(2) It shall be deemed to have come into force on the 26th day of march 1997.

Amendment of Section 188

2. Section 188 of the Tamil Nadu Panchayats Act, 1994, (hereafter referred to as the principal Act) shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

(2) Notwithstanding anything contained in sub-section (1) the Government may direct any village panchayat to constitute separate funds to which shall be credited such receipt as may be specified and such funds shall be applied and disposed of in such manner as may be prescribed.

(3) Subject to such general control as the village panchayat may exercise from time to time, all cheques for payment from village panchayat fund or other funds constituted under sub-

Tamil Nadu
Act 21 of
1994.

section (2) shall be signed jointly by the President and Vice President and the absence of the President or Vice-President, as the case may be by the Vice President or the President and another member authorised by the Village Panchayat at a meeting in this behalf."

Amendment of
Section 242

3. In section 242, of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:-

(1-A) A rule under section 188 may be made so as to have retrospective effect on and from a date not earlier than the 26th day of March 1997."

Validation

4. Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any Court or other authority, all acts done or proceedings taken in respect of cases falling under section 188 of the principal Act before the date of the publication of this Ordinance in the Tamil Nadu Government Gazette, which are in conformity with the provision of section 188 of the principal Act as amended by this Ordinance had been Validly done or taken in accordance with law, as if section in force at all material times when such acts or 188 of principal Act as amended by this Ordinance had been proceedings were done or taken.

M. Fathima Beevi
Governor of Tamil Nadu

19th June 1997

Explanatory Statement

Consequent on the formation of three tier Panchayats in Tamil Nadu, orders have been issued prescribing a new accounting procedure in respect of Village Panchayats. According to this procedure, Village Panchayats have to maintain three accounts namely, Village Panchayat Fund Account, Village Panchayat Earmarked Grants Account and Village Panchayat Scheme Fund Account and these Accounts have to be operated jointly by the President and Vice-President of the Village Panchayat.

2. Several Writ Petitions have been filed challenging the Validity of above said accounting procedure and the orders issued by the Government have been stayed by the High Court, Chennai. The stay granted by the High Court is hampering very much the day-to-day functioning of the Village Panchayats. In order to remove this difficulty, it is proposed to amend suitably section 188 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) to make provision for maintenance of more than one account in Panchayats and also for dual-operation of accounts by Presidents and Vice-President of Village Panchayats with retrospective effect from the date of issue of Government Order with consequential amendment to section 242 of the Act and necessary validating provision.

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

(By order of the Governor)

A.K. Rajan

Secretary to Government, Law Department

The following Ordinance which was promulgated by the Governor on the 19th June 1997 is hereby published for general information:-

Tamil Nadu Ordinance No.5 of 1997

An Ordinance further to amend the Tamil Nadu District Municipalities Act, 1920

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 her to take immediate action for the purposes hereinafter appearing;

Now, TAHEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance :-

1(1) This Ordinance may be called the Tamil Nadu District Municipalities Short title and (Second Amendment) Ordinance, 1997. Commencement

(2) It shall come into force at once.

2. In section 375 of the Tamil Nadu District Municipalities Act, 1920, Amendment of in sub section (2), for the expression "30th day of June 1997", section 375 the expression "30th day of September 1997" shall be substituted.

M. Fathima Beevi
Governor of Tamil Nadu

Explanatory Statement

The Government have decided to downgrade Courtallam and Bhavanisagar Municipalities as Town Panchayats since the population of these Municipalities are insufficient. The Government have also decided to constitute the Yercaud Town Panchayat as a Panchayat Union by converting the villages in the Yercaud Town Panchayat as village panchayats. Therefore, elections to these Municipalities and Town Panchayats were not conducted when elections to other local bodies were held in October 1996.

2. All the preliminary arrangement to convert the above said Municipalities and Town Panchayat as Town Panchayats and Panchayat Union, respectively, are under process. In the meantime, the term of Office of Special Officers of these Municipalities and Town Panchayat is due to expire on the 30th day of June 1997. Therefore, it has become necessary to extend the term of office of these Special Officers. Accordingly, the Government have now decided to extend the term of office of these Special Officers of the Courtallam and Bhavanisagar Municipalities and Yercaud Town Panchayat for a further period of three months beyond the 30th day of June 1997.

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

(By order of the Governor)

A.K. Rajan

Secretary to Government, Law Department