

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 11th July 2017 and is hereby published for general information:—

ACT No. 23 OF 2017.

An Act to provide for the constitution of Delimitation Commission for delimitation of territorial wards of Village Panchayats, Panchayat Unions, District Panchayats, Town Panchayats, Municipalities and Municipal Corporations and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

1. Short title and commencement. (1) This Act may be called the Tamil Nadu Delimitation Commission Act, 2017.

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

2. Definitions. In this Act, unless the context otherwise requires,—

(a) “Commission” means the Delimitation Commission constituted under section 3;

(b) “Government” means the State Government;

(c) “local body” means,—

(i) a village panchayat, panchayat union or district panchayat constituted under the Tamil Nadu Panchayats Act, 1994(Tamil Nadu Act 21 of 1994);

(ii) a town panchayat or municipality constituted under the Tamil Nadu District Municipalities Act, 1920(Tamil Nadu Act V of 1920); and

(iii) a municipal corporation established under any law for the time being in force;

(d) “member” means a member of the Commission and includes the Chairman; and

(e) “Tamil Nadu State Election Commissioner” means the State Election Commissioner appointed by the Governor of Tamil Nadu under Article 243K of the Constitution.

3. Constitution of Delimitation Commission. (1) As soon as may be after the commencement of this Act, the Government shall constitute a Commission

to be called the Delimitation Commission which shall consist of the following members, namely:—

- (a) The Tamil Nadu State Election Commissioner, who shall be the Chairman, ex-officio;
- (b) The Director of Rural Development and Panchayat Raj, ex-officio;
- (c) The Commissioner of Municipal Administration, ex-officio;
- (d) The Director of Town Panchayats, ex-officio;
- (e) The Commissioner of Chennai City Municipal Corporation, ex-officio;
- (f) The Secretary, Tamil Nadu State Election Commission, who shall be the Member–Secretary, ex-officio.

(2) The headquarters of the Commission shall be located within the limits of Chennai City Municipal Corporation.

4. Functions of Commission. (1) The Commission shall perform the following functions, namely:—

- (a) to make recommendations for fixing the total number of members to be elected to every local body on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published;
 - (b) to make recommendations for dividing the area of every local body into as many wards as the number of members required to be elected to that local body on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published;
 - (c) to make recommendations to determine the boundaries of the wards in every local body;
 - (d) to make recommendations with a view to ensure that the population of each ward in every local body shall, as far as practicable, be the same throughout that local body;
 - (e) to make recommendations to have every territorial wards, as far as practicable, be geographically compact area;
 - (f) to make recommendations to determine the territorial ward or wards in which seats are reserved for Scheduled Castes, Scheduled Tribes and Women in every local body on the basis of the population as ascertained at the last preceding census of which the relevant figures have been published;
 - (g) to make periodical reports at prescribed intervals to the Government;
- and

(h) to perform such other functions as the Government may specify from time to time.

5. Powers of Commission. (1) The Commission shall determine its own procedure and shall, in the performance of its functions, have all the powers of a civil court under the Code of Civil Procedure, 1908(Central Act V of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document; and
- (c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorize any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorized by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and the proceedings and orders of the Commission shall be expressed in terms of the views of the majority.

6. Meeting of Commission. The Commission shall meet, as often as may be necessary, at such time and place and observe such rules of procedure as may be provided in the regulations.

7. Staff of Commission. The Commission shall appoint such number of employees as may be necessary for the efficient performance of its functions. The terms and conditions of service of the employees of the Commission shall be such as may be provided in the regulations.

8. Power to issue directions. The Government may issue to the Commission such directions as in their opinion are necessary or expedient for carrying out the purposes of this Act and the Commission shall give effect to all such directions.

9. Proceedings of Commission not to be invalidated by infirmities. The Commission shall have power to act notwithstanding the temporary absence of a member or the existence of a vacancy in the Commission and no act or proceeding

of the Commission shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

10. Members and employees of Commission to be public servants. The Chairman, members, the Member-Secretary and other employees of the Commission shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, or regulation or order or direction made or issued under this Act, to be public servants within the meaning of section 21 of the Indian Penal Code(Central Act XLV of 1860).

11. Protection of action taken in good faith. No suit or other legal proceeding shall lie against the Government, the Commission or any member thereof or any employee or person acting under the direction of the Government or the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or regulation, order or direction made or issued under this Act.

12. Power to make regulations. The Commission may, with the previous approval of the Government, make regulations for carrying out the provisions of the Act.

13. Power to remove difficulties. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act, do anything which appears to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(By order of the Governor)

S.S. POOVALINGAM,
Secretary to Government-in-charge,
Law Department.