

Tamil Nadu Local Bodies Delimitation Regulations, 2017

TAMILNADU

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Rule

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Tamil Nadu Local Bodies Delimitation Regulations, 2017Published vide Notification No.6(2)/138(a)/2017, D.C. Order No. 1/2017/tndc/EG-1, Delimitation Commission, 12.09.2017Last Updated 15th January, 2020No.VI(2)/138(a)/2017. - In exercise of the powers conferred by Section 12 of the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) the Delimitation Commission, with the approval of the Government, hereby makes the following Regulations:-

1. Short title and commencement.

(1)These Regulations may be called the Tamil Nadu Local Bodies Delimitation Regulations, 2017.(2)They shall come into force on the 1st September, 2017.

2. Definitions.

- In these regulations, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017);(b)"Local Body" means the Village Panchayats, Panchayat Unions and District Panchayats constituted under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) or Town Panchayats and Municipalities constituted under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or Municipal Corporations established under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) or Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) or Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) or Tiruchirapalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994) or Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994) or Salem City Municipal Corporation Act, 1994

(Tamil Nadu Act 29 of 1994) or Tiruppur City Municipal Corporation Act, 2008 (Tamil Nadu Act 7 of 2008) or Erode City Municipal Corporation Act, 2008 (Tamil Nadu Act 8 of 2008) or Vellore City Municipal Corporation Act, 2008 (Tamil Nadu Act 26 of 2008) or Thoothukudi City Municipal Corporation Act, 2008 (Tamil Nadu Act 27 of 2008) or Thanjavur City Municipal Corporation Act, 2013 (Tamil Nadu Act 24 of 2013) or Dindigul City Municipal Corporation Act, 2013 (Tamil Nadu Act 25 of 2013) or any other law for the time being in force;(c)"Commission" means the Delimitation Commission constituted under sub-section (1) of section 3 of the Act;(d)"Government" means the State Government;(e)"Inspector" means the Collector of revenue district;(f)"Member" means the members including the Chairman of the Commission;(g)"Member-Secretary" means the Secretary to the Tamil Nadu State Election Commission;(h)Words and expressions used but not defined in these Regulations, but defined in the Tamil Nadu Panchayats Act, 1994 or in the Tamil Nadu District Municipalities Act, 1920 or in the respective Corporation Acts shall have the meanings, respectively, assigned to them in the above said Acts.

3. Delimitation Authorities.

(1)The following Officers shall be the Delimitation Authorities, namely:-(a)The Block Development Officer (Block Panchayat and Village Panchayat) for the wards in a Village Panchayat;(b)The Assistant Director (Panchayats) for the wards in a Panchayat Union;(c)The Secretary of District Panchayat for the wards in a District Panchayat;(d)The Executive Officer of the respective Town Panchayats for the wards in a Town Panchayat;(e)The Commissioner of the respective Municipality for the wards in a Municipality;(f)The Commissioner of the respective Municipal Corporation for the wards in a Municipal Corporation, except Chennai City Municipal Corporation;(g)The Deputy Commissioner (Revenue and Finance) or Regional Deputy Commissioners, as may be, designated by the Commissioner of Chennai City Municipal Corporation for the wards in Chennai City Municipal Corporation.

4. District Delimitation Authority.

(1)The Collector of every Revenue District, except Chennai District, shall be the District Delimitation Authority for the purpose of delimitation of territorial wards of Local Bodies.(2)The Commissioner of Chennai City Municipal Corporation shall be the District Delimitation Authority for the purpose of delimitation of territorial wards in the Chennai City Municipal Corporation.

5. Principles and Criteria for Delimitation of Wards.

- Subject to the functions of the Commission specified in section 4 of the Act, the following basic principles for preparation of territorial wards for Local Bodies shall be followed by the Delimitation Authorities and District Delimitation Authorities:-(a)Each Local Body shall have to be divided into as many territorial wards based on the strength fixed by the Government, from time to time:Provided that the total number of territorial wards and number of members to be elected from such wards in every Local Body shall be the same as they exist on the date of commencement of the Act.(b)The population in each ward shall be the same in that Local Body as far as practically possible.(c)The delimitation of wards in every Local Body shall be on the basis of the population as

ascertained at the last preceding census of which the relevant figures have been published.

6. Duties of Delimitation Authorities.

(1)The Delimitation Authorities of the Local Body concerned shall prepare the draft proposal for delimitation of every Local Body into territorial wards, based on the following criteria, namely:
 -(a)Each ward shall have clear boundaries, either Natural or Manmade.(b)The shape of each ward shall be geographically compact and contiguous.(c)There shall be no gerrymandering for the purpose of consolidation of specific vote banks.(d)10% (ten per cent) variation of population shall be permissible for making clear boundary in territorial wards. In the case of Village Panchayats, such variation shall not exceed 25% (twenty five per cent).(e)The wards so formed are given a specific number according to their geographical location within the Local Body area starting from the North-West and ending in South-East in a zig-zag manner, contiguously adopting numerals.(f)The underlying criteria for delimitation is that each ward of the Local Body concerned shall have parity in population as far as practically possible on the basis of last preceding census:Provided that where the population figures of any area is not available from the census figures published, the Inspector in the case of Village Panchayats, Panchayat Union Councils or District Panchayats or Town Panchayats or the Commissioner of the Municipalities concerned or the Commissioner of the Municipal Corporations concerned, as the case may be, may determine the population of such area with preference to the voting strength of the area as per the relevant portion of the current electoral roll of the Tamil Nadu Legislative Assembly Constituency.(2)The Delimitation Authorities shall prepare a detailed map highlighting the boundaries of the local bodies, ward wise and in total for the local body, based on the formula proposed by the Commission.(3)The Delimitation Authority, after preparation of the Delimitation proposal, shall forward it to the District Delimitation Authority for verification of, and making correction on, such proposal.

7. Functions of District Delimitation Authority.

(1)The District Delimitation Authority shall verify the correctness of the delimitation proposals, based on the population of the last preceding census for such local body and upon the formula for the delimitation of wards proposed by the Commission.(2)The proposals for delimitation of territorial wards of the local body forwarded by the Delimitation Authority along with detailed map after due verification thereon, shall be recommended to the Commission by the District Delimitation Authority.(3)The Commission shall approve the Delimitation proposals submitted by the District Delimitation Authority if found correct after due verification and issue the draft Delimitation order for the local body concerned.

8. Process of Delimitation.

- The number of wards as they exist on the date of commencement of the Act shall be maintained and the delimitation shall be done based on the increased population as ascertained in the last preceding census providing parity in representation in all the wards within the respective local body. For the purpose of delimitation of territorial wards of Local Bodies, the following factors shall be taken into account namely:-(a)(i)The Commission shall prepare the formula for preparing the

proposal for draft delimitation order and organise training for the Delimitation Authorities at the State level in the first instance and then at the district level in the respective districts.(ii)The formula shall be the same for all the Local Bodies and shall be within the provisions of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) and the respective Corporations' Acts with regard to population strength of the delimited wards.(iii)In the event of any variation of more than the permissible limit specified in the relevant rules with regard to specific wards in respect of the strength of the ward population, the same shall be approved only with the specific orders of the Commission.(b)The size of the ward for Local Bodies shall be determined based on the population of the last preceding census of which the relevant figures have been published.(c)The Commission shall authorize the District Delimitation Authority or any authority designated by the Commission to cause the publication of the draft delimitation order in the offices of the Local Body concerned and other public offices and in local newspapers, if necessary, and invite public objections and suggestions on the draft delimitation order.(d)The Commission directs the District Delimitation Authority or the officers designated by the Commission to receive objections or suggestions, from political parties and individuals alike on the draft delimitation order.(e)Objections or suggestions on the draft delimitation order shall be given to the appropriate authority in person or by registered post. If any document is intended to be produced along with the above, self attested copies of such documents shall also be given and such documents shall not be returned.(f)All the objections or suggestions received shall be numbered and each objections or suggestions shall be enquired into by the officers appointed for the said purpose and the findings shall be recorded.(g)If the Commission or the designated authority is convinced that the service of officers of other departments or experts are necessary for the disposal of any objection or suggestion, it shall have the power to summon such officers of any department under the Government for collecting such information. The officers concerned are bound to obey the intimations received from the Commission or the designated authority.(h)The Commission or the designated authority can summon any person as witness relating to any objection or suggestion received and can request any person including the person who has given the objection or the opposite party to produce the connected documents or records before the Commission or the designated authority.(i)Upon the receipt of any objection or suggestion regarding the fixing of boundary of wards, the Commission or the designated authority shall verify the objection or suggestion by conducting a hearing in person after collecting the information from the Local Body concerned.(j)The District Delimitation Authority or any other Officer authorized by him for the said purpose shall hear the parties and give direction to the relevant Executive Authority of the Local Body to submit revised proposal recommending the changes, if required, based on the findings and reasonableness of the requests.(k)The revised proposals shall be consolidated after due verification by the District Delimitation Authority and recommended to the Commission along with Certificate of Verification as to the genuineness of the objections or suggestions.(l)The Commission shall, after scrutiny of all the proposals received from the District Delimitation Authority, recommend the same to the Government for final notification.

9. Functions of Delimitation Commission.

- Taking into consideration of the functions enumerated in section 4 of the Act, the Commission shall have to perform its functions on the final draft proposal on delimitation of territorial wards of

Local Bodies. The Commission shall after due examination and verification of the correctness of the draft proposal of delimitation of wards, forward the same with its recommendation thereon to the Government for publication of the delimitation of territorial wards for Local Bodies, as required under the respective Acts for the time being in force.

10. Powers of Delimitation Commission.

(1)When cases relating to delimitation originates, wherein the Commission is a party, in such cases, the Member-Secretary shall have the power to file affidavit before the court.(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 shall issue such guidelines, as may be necessary for carrying out the purpose of delimitation of territorial wards of Local Bodies, from time to time.

11. Officers and employees of Commission.

(1)The Commission shall appoint such number of employees for the efficient performance of its functions and the Commission can utilise the service of the officers and employees of the Tamil Nadu State Election Commission:(2)The Commission shall appoint retired officers and employees of the Tamil Nadu State Election Commission and other departments who have good service record and found eligible to carry out the activities of the Commission.(3)The Commission shall appoint, in consultation with the Government, any other officers and employees, as it may deem fit, from various departments of the Government on deputation.

12. Meeting of Commission.

(1)The Member-Secretary shall give notice of meeting of the Commission to the members well in advance.(2)The Member-Secretary shall convene the meeting of the Commission in the Commission Headquarters or in any place in the State as so warranted.

13. Quorum for Meeting.

- For the meeting of the Commission, there shall be a quorum of minimum three members including the Chairman. Decisions of the Commission shall, as far as possible, be unanimous. If there is a difference of opinion among members, in any case, decision shall be taken in accordance with the opinion of the majority.

14. Headquarters of Commission.

- The Headquarters of the Commission shall be the Office of the Tamil Nadu State Election Commission at Chennai. Besides, Commission may conduct sitting at any place in the State as decided by the Commission.

15. Guidelines regarding fixing of boundaries.

- The Commission shall issue such other guidelines regarding fixing of boundaries of the territorial wards of Local Body: Provided that nothing in those guidelines shall be in conflict with these regulations regarding the basic principles and criteria for delimitation of territorial wards of Local Bodies.