



**The Tamil Nadu Panchayats (Extension to Transferred Territory) and
Panchayat Union Councils (Special Provisions for First Constitution)
Amendment Act, 1961**

Act 27 of 1961

Keyword(s):

Existing Law, Transferred Territory, Panchayats Act

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¹[TAMIL NADU] ACT No. 27 OF 1961.²

THE ¹[TAMIL NADU] PANCHAYATS (EXTENSION TO TRANSFERRED TERRITORY) AND PANCHAYAT UNION COUNCILS (SPECIAL PROVISIONS FOR FIRST CONSTITUTION) AMENDMENT ACT, 1961.

[Received the assent of the President on the 19th September 1961, first published in the Fort St. George Gazette Extraordinary on the 29th September 1961 (Asvina 7, 1883)]

An Act to extend the ¹[Tamil Nadu] Panchayats Act, 1958, to the transferred territory in the ³[State of Tamil Nadu] and to amend the ¹[Tamil Nadu] Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960.

WHEREAS it is expedient to extend the ¹[Tamil Nadu] Panchayats Act, 1958 (¹[Tamil Nadu] Act XXXV of 1958) to the transferred territory in the ³[State of Tamil Nadu] and to amend the ¹[Tamil Nadu] Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (¹[Tamil Nadu] Act 17 of 1960) for the purposes hereinafter appearing ;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the ¹[Tamil Nadu] Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Act, 1961.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 26th August 1961, Part IV—Section 3, pages 304-305.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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

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

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act ;

(b) “existing law” means any law, Ordinance, Proclamation, regulation, order, by-law or rule passed or made before the appointed day, by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule ;

(c) “Government” means the State Government ;

(d) “Panchayats Act” means the ¹[Tamil Nadu] Panchayats Act, 1958 (¹[Tamil Nadu] Act XXXV of 1958) ;

(e) “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

3. (1) Subject to the provisions of sub-section (2), with effect on and from the appointed day, the Panchayats Act is hereby extended to, and shall be in force in, the transferred territory.

Extension of ²[Tamil Nadu] Act XXXV of 1958 to the transferred territory.

(2) Notwithstanding anything contained in the Panchayats Act, on and from the appointed day—

(a) each of the local areas specified in column (2) of Schedule I forming the development block specified in the corresponding entry in column (1) thereof for the purposes of the National Extension Service Scheme of Community Development shall be a panchayat development block and such panchayat development block shall be a panchayat union by the name specified in the corresponding entry in column (3) thereof ;

¹ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² This expression was substituted for the expression “Madras Act” by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

(b) there shall be a panchayat union council for each of the panchayat unions specified in Schedule I ;

(c) the provisions of sections 115, 116, 117, 118 and 129 of the Panchayats Act shall not apply to the transferred territory unless and until the Government direct, by notification, that any of the provisions aforesaid shall apply or shall apply only with such exceptions, modifications and adaptations, as may be specified in the notification ;

(d) until the Government so direct by notification referred to in clause (c), the cess on land corresponding to the local cess under the Panchayats Act which, immediately before the appointed day, was being lawfully levied, assessed and collected by the Government or any other authority in any development block in the transferred territory shall continue to be levied, assessed and collected by the Government or the said authority in accordance with the same principles which governed the levy, assessment and collection of the said cess immediately before the appointed day and the cess so collected shall be distributed among the panchayat union council and the panchayats in the panchayat union concerned in such manner as the Government may, by general or special order, direct ;

(e) the provisions of clause (e) of section 65, section 128, section 136, sub-sections (5), (6) and (7) of section 140 and section 193 of the Panchayats Act shall not apply to the transferred territory, unless and until the Government direct, by notification, that any of the provisions aforesaid shall apply or shall apply only with such exceptions, modifications and adaptations as may be specified in the notification :

(f) until the Government so direct by notification referred to in clause (e), any existing law relating to elementary education in force in the transferred territory immediately before the appointed day shall have effect subject to such modifications and adaptations as may be specified in the notification ;

the appointed day shall, with effect on and from the appointed day, be exercised by the panchayat union council having jurisdiction in the area ;

(g) every panchayat in the transferred territory shall be deemed to be a village panchayat for the purpose of grant under section 132 of the Panchayats Act ;

(h) in regard to the first constitution of panchayat union councils in accordance with the provisions of the Panchayats Act, as extended by this Act, and in regard to the first reconstitution in accordance with the provisions of the Panchayats Act, as extended by this Act, of panchayats in existence on the appointed day and otherwise in giving effect to the said provisions in the transferred territory, they shall be read subject to the rules specified in Schedule II and the Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

Explanation I.—Every panchayat development block formed under clause (a) shall be deemed to be a panchayat development block declared under clause (a) of sub-section (3) of section 7 of the Panchayats Act.

Explanation II.—Every panchayat union constituted and named under clause (a) shall be deemed to be a panchayat union declared and named under clauses (b) and (c) of sub-section (3) of section 7 of the Panchayats Act.

Explanation III.—Every panchayat union council constituted under clause (b) shall be deemed to be a panchayat union council constituted by a notification under sub-section (1) of section 11 of the Panchayats Act with effect on and from the appointed day.

4. (1) With effect on and from the appointed day, the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) (hereinafter in this section referred to as the Travancore-Cochin Act) as in force in the transferred territory immediately before the appointed day, shall stand repealed in the transferred territory. Repeal of Travancore-Cochin Act II of 1950.

(2) Any reference in the Panchayats Act, as extended by this Act, to a law which is not in force in the transferred territory on the appointed day shall, in relation to the transferred territory, be construed as a reference to the corresponding law, if any, in force in the transferred territory on the appointed day.

(3) Any reference to the Travancore-Cochin Act in any existing law which continues to be in force in the transferred territory after the appointed day, shall, in relation to that territory, be construed as a reference to the Panchayats Act, as extended by this Act.

(4) Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under the Panchayats Act, as extended by this Act, have effect as if it were a reference to that new authority.

(5) The repeal, by sub-section (1), of the Travancore-Cochin Act shall not affect —

(a) the previous operation of that Act or anything done or duly suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against that Act ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(6) Subject to the provisions of sub-section (5), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or

scheme framed, certificate, permit or licence granted or registration effected under the Travancore-Cochin Act, shall be deemed to have been done or taken under the corresponding provisions of the Panchayats Act, as extended by this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Panchayats Act, as extended by this Act.

(7) For the purpose of facilitating the application of the Panchayats Act, as extended by this Act, in the transferred territory, any court or other authority may construe the Panchayats Act, as extended by this Act with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

5 - 6. [The amendments made by these sections have been incorporated in the principal Act, namely, the Tamil Nadu Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (Tamil Nadu Act 17 of 1960).]

7. (1) If any difficulty arises in giving effect to the provisions of the Panchayats Act, as extended by this Act to the transferred territory or the ¹[Tamil Nadu] Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (¹[Tamil Nadu] Act 17 of 1960), as amended by this Act, the Government as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty. Power to remove difficulties.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

¹These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

SCHEDULE I.

[See section 3 (2) (a) and (b).]

Name of the development block. (1)	Area forming the development block. (2)	Name of the panchayat union. (3)
<i>Kanyakumari district.</i>		
Rajakkamangalam ..	Names of revenue villages in Agastheeswaram revenue taluk of Padmanabhapuram revenue division— Neendakara, A. Neendakara, B. Dharmapuram. Parakkai. Thengampathoor. Vedaserry (excluding Municipal area). Thamarakulam (One hamlet only—Chempakaramanpuhenturai). Vadiveeswaram (one hamlet—Vannanvilai only).	Rajakkamangalam.
Agastheeswaram ..	Names of revenue villages in Agastheeswaram revenue taluk of Padmanabhapuram revenue division— Kanyakumari. Agastheeswaram. Thamarakulam (excluding the hamlet of Chempakaramanpuhenturai). Marungoor. Kulasekharapuram. Eraviputhoor. Suchindrum. Theroor. Vadiveeswaram (excluding Vannanvilai and the Municipal area). Nagercoil (excluding the Municipal area)	Agastheeswaram.
Munchira ..	Names of revenue villages in Vilavancode revenue taluk of Padmanabhapuram revenue division— Arudesom. Ezhudesom. Kollencode. Methukummel. Kunnathoor. Painkulam.*	Munchira.

<i>Name of the development block.</i> (1)	<i>Area forming the development block.</i> (2)	<i>Name of the panchayat union.</i> (3)
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Kanyakumari district—cont.

Melpuram	<i>Names of revenue villages in Vilavancode revenue taluk of Padmanabhapuram revenue division—</i> Palukal. Edaicode. Arumana. Kaliel. Pacode (excluding Municipal area). Vilavancode (excluding Municipal area).	Melpuram.
Killiyoor	<i>Names of revenue villages in Vilavancode revenue taluk of Padmanabhapuram revenue division—</i> Killiyoor. Keezhkulam. Midalam. Keezhmidalam. Nattalam. Nalloor.	Killiyoor.
Thovala	<i>Names of revenue villages in Thovala revenue taluk of Padmanabhapuram revenue division—</i> Chempagaramanputhoor. Thazhakudy. Thovala. Thiruppathisaram. Erachakulam. Esanthimangalam. Bhuthapandi. Darsanamcope. Chiramadam. Arumanalloor. Ananthapuram. Azhakiapandiperam.	Thovala.
Thalakulam	<i>Names of revenue villages in Kalkulam revenue taluk of Padmanabhapuram revenue division—</i> Colachel (excluding Municipal area). Thalakulam. Manavalakurichi. Kadiapattanam. Aloor.	Thalakulam.

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<i>Name of the development block.</i>	<i>Area forming the development block.</i>	<i>Name of the panchayat union.</i>
(1)	(2)	(3)
<i>Kanyakumari district—cont.</i>		
Thuckalai ..	<p>.. <i>Names of revenue villages in Kalkulam revenue taluk of Padmanabhapuram revenue division—</i></p> <p>Eraniel.</p> <p>Thuckalai (excluding Municipal area).</p> <p>Kalkulam (excluding Municipal area).</p> <p>Thiruvithamcode. Kappiara. Valvachagoshtam. Kothanalloor.</p>	Thuckalai.
Thiruvattar ..	<p>.. <i>Names of revenue villages in Kalkulam revenue taluk of Padmanabhapuram revenue division—</i></p> <p>Thiruvattar. Thripparappu. Ponmana. Aruvikkara. Mecode. Attoor.</p>	Thiruvattar.
<i>Tirunelveli district.</i>		
Shencottah ..	<p>.. <i>Names of revenue villages in Shencottah revenue taluk of Tirunelveli revenue division—</i></p> <p>Shencottah (excluding Municipal area). Karkudy. Puliyara. Pudur. Mekkara. Achenpudur. Elathur. Kiiangad. Ayikudy. Sambavarvadakara.</p>	Shencottah.

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SCHEDULE II.

[See section 3 (2) (h).]

1. In these rules—

(i) "the old Act" means the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) ;

(ii) "the new Act" means the Panchayats Act, as extended by this Act to the transferred territory ;

(iii) "panchayat" means a panchayat constituted under the old Act and in existence on the appointed day ;

(iv) "village" means any local area which was declared to be a village under the old Act.

2. Every panchayat under the old Act shall, on the appointed day, be deemed to have been classified as a town panchayat under the new Act.

3. Every local area which, immediately before the appointed day, was within the jurisdiction of a panchayat shall be deemed to have been declared to be a panchayat town under the new Act.

4. The total number of members of a panchayat fixed under the old Act and in force on the appointed day shall be deemed to be the total number of its elected members under the new Act.

5. The members of a panchayat holding office on the appointed day shall be deemed to be the elected members of the panchayat under the new Act and such members shall continue to hold office up to the 2nd day of October 1963 or up to such date as the Government may, by notification, fix in this behalf.

6. The reservation of seats for the members of the Scheduled Castes and Scheduled Tribes made under the old Act shall be deemed to have been made under the new Act and any reference to the Scheduled Castes in the new Act shall be construed as including a reference to the Scheduled Tribes.

7. (1) Any division of a panchayat area into wards made under the old Act and in force on the appointed day shall, with effect on and from the appointed day, be deemed to be a division of a panchayat town into wards made under the new Act.

(2) The Inspector shall, as soon as may be after the appointed day, determine the ward which each of the members who is deemed to be an elected member under rule 5 shall be deemed to represent.

8. The president and vice-president of a panchayat holding office on the appointed day shall, subject to the provisions of the new Act, continue to hold office as such president or vice-president up to the date referred to in rule 5.

9. (1) Any vacancy in the office of the president or vice-president of a panchayat which is in existence on the appointed day or which occurs before the date referred to in rule 5 shall be filled by election under the provisions of the new Act.

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(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of the new Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in rule 5.

Explanation.—For the purposes of this rule, the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the appointed day, been elected shall be deemed to be vacant on the appointed day.

10. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution on the appointed day shall be re-constituted in accordance with the provisions of the new Act.

11. Every panchayat officer of a panchayat holding office as such immediately before the appointed day shall be deemed to be the executive officer of the panchayat appointed under section 40 of the new Act and all other employees of the panchayat employed wholly or mainly in connection with a panchayat immediately before the appointed day shall continue to be employed in their respective posts under the new Act until the Inspector directs otherwise. The conditions of service of persons so appointed shall be regulated by rules made by the Government from time to time.

12. Every choultry, every dispensary, every maternity or child-welfare centre and every reading room established or maintained by a panchayat before the appointed day shall, with effect on and from the appointed day, vest in the panchayat union council having jurisdiction in the area and be maintained by it.

13. If any registers and accounts relating to the registration of births and deaths were being maintained by any authority or officer before the appointed day, they shall be transferred to the panchayat union council concerned on the appointed day or so soon thereafter as may be specified by general or special order by the Inspector.

14. All libraries, together with the books, furniture and other assets appertaining thereto maintained immediately before the appointed day by any panchayat shall, with effect on and from the appointed day, stand transferred to and be maintained by such authority as the Government may, by general or special order, specify provided that the Government shall have power to modify any such order from time to time and effect shall be given to such modified order by such authority.

15. Where before the appointed day a panchayat has made any contract in the exercise of its powers under the old Act, that contract shall be deemed to have been made in the exercise of its powers under the new Act by the panchayat union council having jurisdiction over the area in which that council would have had jurisdiction had this Act been in force at the relevant time; and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the panchayat, be rights or liabilities of the panchayat union council specified above.

For the purpose of this rule, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract, and

(b) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract, and

16. All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with the new Act, be continued by or against such panchayat or authority under the new Act.

17. Any remedy by way of application, suit or appeal available to or against a panchayat exercising jurisdiction immediately before the appointed day, shall, after the appointed day, be available to or against the panchayat or panchayat union council concerned.

18. Any action taken by a panchayat, exercising jurisdiction immediately before the appointed day, shall, subject to such directions as the Government may, by general or special order given in this behalf, be deemed to have been taken by the panchayat or panchayat union council concerned unless and until superseded by action taken by that panchayat or panchayat union council.

19. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in the foregoing provisions of this Schedule, it shall be dealt with in accordance with that provision. The benefit or burden of any assets or liabilities of a panchayat not dealt with in the foregoing provisions of this Schedule shall be subject to such financial adjustments as the Government may, by order, direct.

20. If any difficulty arises in giving effect to the provisions of these rules, the Government, as occasion may require, may, by notification, do anything which appears to them to be necessary for the purpose of removing the difficulty.