



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 145]

CHENNAI, FRIDAY, JUNE 1, 2012
Vaikasi 19, Thiruvalluvar Aandu-2043

Part IV—Section 2

Tamil Nadu Acts and Ordinances

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The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 15 OF 2012.

An Act further to amend the Tamil Nadu Panchayats Act, 1994.

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

1. (1) This Act may be called the Tamil Nadu Panchayats (Amendment) Act, 2012.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 25th October 2011.

Tamil Nadu
Act 21 of
1994.

2. To section 82 of the Tamil Nadu Panchayats Act, 1994, the following proviso shall be added, namely:—

Amendment of
section 82.

“Provided that the president may be paid a monthly honorarium, as may be fixed by the Government from time to time.”.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 16 OF 2012.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

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

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Second Amendment) Act, 2012.

Short title and commencement.

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

PART-II.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu
Act 15 of
1971.

2. In section 268 of the Madurai City Municipal Corporation Act, 1971, in sub-section (3), after clause (h), the following clause shall be inserted, namely:—

Amendment of
section 268.

“(hh) provision of special facilities in the multi-storeyed and public buildings for the differently abled persons;”.

PART-III.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu
Act 25 of
1981.

3. In section 268 of the Coimbatore City Municipal Corporation Act, 1981, in sub-section (3), after clause (h), the following clause shall be inserted, namely:—

Amendment of
section 268.

“(hh) provision of special facilities in the multi-storeyed and public buildings for the differently abled persons;”.

PART-IV.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of
section 191.

4. In section 191 of the Tamil Nadu District Municipalities Act, 1920, in sub-section (3), after clause (g), the following clause shall be inserted, namely:—

Tamil Nadu
Act V of
1920.

“(gg) provision of special facilities in the multi-storeyed and public buildings for the differently abled persons;”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 17 OF 2012.

An Act further to amend the laws relating to the Municipal Corporations and the Municipalities in the State of Tamil Nadu.

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

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2012.

Short title and commencement.

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

PART-II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu
Act IV of
1919.

2. In section 138-H of the Chennai City Municipal Corporation Act, 1919, for clause (c), the following clause shall be substituted, namely:—

Amendment of
section 138-H.

“(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

PART-III.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu
Act 15 of
1971.

3. In section 169-H of the Madurai City Municipal Corporation Act, 1971, for clause (c), the following clause shall be substituted, namely:—

Amendment of
section 169-H.

“(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

PART-IV.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Tamil Nadu
Act 25 of
1981.

4. In section 169-H of the Coimbatore City Municipal Corporation Act, 1981, for clause (c), the following clause shall be substituted, namely:—

Amendment of
section 169-H.

“(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

PART-V.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Amendment of
section 124-J.

5. In section 124-J of the Tamil Nadu District Municipalities Act, 1920, for clause (c), the following clause shall be substituted, namely:—

Tamil Nadu
Act V of
1920.

“(c) persons with disability, suffering from not less than forty per cent of such disability, as certified by a Registered Medical Practitioner in the service of the Government not below the rank of a Civil Surgeon.

Explanation.—For the purpose of this clause, “disability” shall have the same meaning assigned to it under clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (Central Act 1 of 1996) and also includes dumbness.”.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 18 OF 2012.

An Act further to amend the Tamil Nadu Value Added Tax Act, 2006.

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Third Amendment) Act, 2012.

Short title and commencement.

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

Tamil Nadu Act
32 of 2006.

2. In the Tamil Nadu Value Added Tax Act, 2006, after section 63, the following section shall be inserted, namely:—

Insertion of new section 63-A.

63-A. Accounts to be audited in certain cases.—(1) Every registered dealer whose total turnover including zero-rate sale and sale in the course of inter-State trade or commerce as specified in section 3 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956) in a year, exceeds one crore rupees, shall get his accounts in respect of that year, audited by an Accountant and submit a report of such audit in the prescribed Form, duly signed and verified by the Accountant, to the Assessing authority, within such period as may be prescribed.

Explanation.—For the purpose of this section “Accountant” means, a Chartered Accountant as defined in the Chartered Accountants Act, 1949 (Central Act 38 of 1949) or a Cost Accountant as defined in the Cost and Works Accountants Act, 1959 (Central Act 23 of 1959).

(2) If such registered dealer fails to get his accounts audited and submit a report of such audit within the prescribed period, as required in sub-section (1), the Assessing authority may, after giving a reasonable opportunity of being heard, direct such registered dealer to pay by way of penalty of sum of rupees ten thousand, in addition to any tax payable, in respect of the said period:

Provided that, this section shall not apply to the departments of Central and State Governments, local authorities, the railway administration as defined under the Railways Act, 1989 (Central Act 24 of 1989), the Tamil Nadu State Road Transport Corporations and similar such registered dealers, as may be notified by the Government.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 19 OF 2012.

An Act further to amend the Tamil Nadu Value Added Tax Act, 2006.

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Fourth Amendment) Act, 2012.

Short title and
commence-
ment.

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

Tamil Nadu
Act 32 of
2006.

2. In the Second Schedule to the Tamil Nadu Value Added Tax Act, 2006,—

Amendment of
Second
Schedule.

(1) against Serial Number 5, for item (ii) and the entries relating thereto in columns (2), (3) and (4), the following item and entries shall, respectively, be substituted, namely:—

“(ii) Aviation Turbine Fuel sold to an aircraft with a maximum take-off mass of less than forty thousand kilograms operated by scheduled airlines.

At the
point of
first
sale in
the
State
5 per
cent.”;

(2) against Serial Number 11, in column (4), for the entry “4 per cent”, the entry “5 per cent” shall be substituted;

(3) after Explanation III, the following Explanation shall be added, namely:—

“*Explanation IV.*—For the purpose of item (ii) against Serial Number 5, “scheduled airlines” mean the airlines which have been permitted by the Central Government to operate any Scheduled air transport service.”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 20 OF 2012.

An Act further to amend the Tamil Nadu Veterinary and Animal Sciences University Act, 1989.

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

- | | |
|---|-------------------------------|
| 1. (1) This Act may be called the Tamil Nadu Veterinary and Animal Sciences University (Amendment) Act, 2012. | Short title and commencement. |
| (2) It shall come into force on such date and the State Government may, by notification, appoint. | |
| 2. In section 2 of the Tamil Nadu Veterinary and Animal Sciences University Act, 1989 (hereinafter referred to as the principal Act), in clause (g), the expression "and the Fisheries College, Tuticorin" shall be omitted. | Amendment of section 2. |
| 3. In section 10 of the principal Act, in sub-section (1), the expression "and Fisheries" shall be omitted. | Amendment of section 10. |
| 4. In section 18 of the principal Act, in sub-section (2),—
(a) under the heading "Class I—Ex-officio Members", for the items (e), (f) and (g) and the entries relating thereto, the following items and entries shall be substituted, namely:—
"(e) the Director of Animal Husbandry; and
(f) The Registrar.";
(b) under the heading "Class II—Other Members", in item (c), the expression "or fisheries" shall be omitted. | Amendment of section 18. |
| 5. In section 22 of the principal Act, in sub-section (1), under the heading "Class I-Ex-officio Members" item (d) shall be omitted. | Amendment of section 22. |
| 6. In section 24 of the principal Act, in sub-section (1), the expression "Fisheries" shall be omitted. | Amendment of section 24. |
| 7. In section 29 of the principal Act, for sub-section (1), the following sub-section shall be substituted. | Amendment of section 29. |
| <p>"(1) Subject to the provisions of this Act and the statutes, the University shall establish a Veterinary and Animal Sciences Research Organisation for doing basic research on problems primarily relating to veterinary, animal husbandry and allied subjects for the purpose of aiding the development of animal husbandry and shall for this purpose establish as many veterinary and livestock research stations as may be necessary in co-operation with the department of Animal Husbandry and Research stations under the control of the Government."</p> | |
| 8. In section 30 of the principal Act,—
(1) in sub-section (1), for the expression "livestock farmers, fish farmers and fisherman", the expression "and livestock farmers" shall be substituted;
(2) in sub-section (2), in clause (a), for the expression "the livestock farmers, fish farmers and fisherman", the expression "the livestock farmers" shall be substituted. | Amendment of section 30. |
| 9. In section 41 of the principal Act, in sub-section (1), in clause (a), the expression "and the Fisheries College, Tuticorin" shall be omitted. | Amendment of section 41. |
| 10. In section 43 of the principal Act, in sub-section (1-A), the expression "and Fisheries" shall be omitted. | Amendment of section 43. |

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government, Law Department.

Tamil Nadu
Act 42 of
1989.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st 2012 and is hereby published for general information:—

ACT No. 21 OF 2012.

An Act to provide for the establishment of a University for the development of Fisheries and for the furtherance of the advancement of learning and prosecution of research and extension in Fisheries Sciences in the State of Tamil Nadu.

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

CHAPTER-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Fisheries University Act, 2012.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It applies to—

(a) the colleges and institutions specified in the Schedule; and

(b) all colleges and institutions which may be affiliated to, or established or maintained by, the University in accordance with the provisions of this Act and the statutes and regulations made thereunder.

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

Short title,
extent,
application
and
commence
ment.

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

Definitions.

(a) “Academic Council” means the Academic Council of the University;

(b) “affiliated college” means any college affiliated to the University and providing courses of study for admission to the examinations for degrees, diplomas or other academic distinctions of the University;

(c) “appointed date” means such date as the Government may, by notification, appoint under sub-section (4) of section 1;

(d) “Board” means the Board of Management of the University;

(e) “college” means any college or institution established or maintained by, or, affiliated to the University providing courses of study or training or providing for prosecution of research or providing extension education in Fisheries Sciences for admission to the examinations for degrees, diplomas and other academic distinctions of the University;

(f) “constituent college” means the Fisheries College and Research Institute, Thoothukudi and includes such other colleges as may be declared by the Board from time to time;

(g) “corresponding University” means the Tamil Nadu Veterinary and Animal Sciences University, Chennai;

(h) “Dean” means the Dean (Academic) at the head quarters of the University and the Dean of each college;

(i) “Director” means the Director of Research or the Director of Extension Education and such other person as may be declared by the statutes to be the Director;

(j) "extension education" means the educational activities concerned with the training of fish farmers, fishermen and other groups serving fisheries in improved fishing practices and various phases of scientific technology related to Fisheries Sciences;

(k) "Faculty" means a Faculty of the University;

(l) "Government" means the State Government;

(m) "Fisheries Sciences" means aquaculture including breeding, genetics, biotechnology, nutrition, farming, diagnosis of diseases in fishes, other aquatic resources, medical treatment of aquatic animals; fish processing including value addition, quality assurance and certification; fisheries microbiology; fisheries biochemistry; fisheries resource management including biology, physiology, population dynamics; fisheries environment including oceanography, limnology, ecology; fishing technology including gear and craft engineering, navigation and seamanship; fisheries economics and management; Fisheries extension;

(n) "hostel" means a unit of residence for students of the University maintained or recognised by it either as a part of, or separate from, college of the University;

(o) "prescribed" means prescribed by the statutes or regulations made under this Act;

(p) "regulations" and "statutes" mean respectively, the regulations and statutes made under this Act;

(q) "Schedule" means the Schedule appended to this Act;

(r) "State" means the State of Tamil Nadu;

(s) "University" means the Tamil Nadu Fisheries University established under section 3.

CHAPTER-II.

THE UNIVERSITY.

Establishment
of University.

3. (1) For the development of Fisheries and for furthering the advancement of learning and prosecution of research in Fisheries Sciences, on and from the appointed date, there shall be established a University by the name, the Tamil Nadu Fisheries University.

(2) The University shall be a body corporate, shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The principal seat of the University shall be located within the limits of Nagapattinam Taluk.

Objects of
University.

4. The objects of the University shall be,—

(a) to impart quality education in different branches of Fisheries Sciences as the University may determine;

(b) to conduct organised research in frontier areas with the objective of developing cutting edge technologies in Fisheries Sciences;

(c) to provide extension services like training, consultancy, project formulation to fish farmers, fisher folk, unemployed-youth and entrepreneurs in Fisheries Sciences;

(d) to facilitate comprehensive development of Fisheries Sciences for increased contribution to states economy and set bench mark standards through appropriate interventions in fisheries teaching, research and extension;

(e) to generate baseline data on aquatic biodiversity and fisheries resource potential;

(f) to generate high quality professionals in Fisheries Sciences by following Veterinary Council of India regulations as a model;

(g) to create better opportunities for marketing and value addition of fish and fishery products.

(h) to set up an aquatic disease diagnosis and surveillance system in the State.

5. The powers and functions of the University shall be,—

Powers and
functions of
University.

(a) to provide for instructions, research and extension in Fisheries Sciences;

(b) to provide for dissemination of the findings of research and technical information through extension education;

(c) to institute degrees, diplomas and other academic distinctions in Fisheries Sciences;

(d) to hold examinations and confer degrees, diplomas and other academic distinctions on persons who have,—

(i) pursued a prescribed course of study; or

(ii) carried out research in the University under the prescribed conditions;

(e) to confer honorary degrees or other distinctions in the prescribed manner and under the prescribed conditions;

(f) to provide for lectures and instructions for field workers, farmers and other persons not enrolled as regular students of the University and to grant certificates to them, if necessary;

(g) to co-operate with other Universities and authorities in such manner and for such purposes as it may determine;

(h) to establish and maintain colleges relating to Fisheries Sciences;

(i) to affiliate colleges to the University under conditions prescribed and to withdraw affiliation from colleges;

(j) to establish and maintain laboratories, libraries, research stations and museums for teaching, research and extension education;

(k) to institute and award fellowships, scholarships and prizes in accordance with the statutes;

(l) to establish and maintain or recognise hostels for students of the University and residential accommodation for the staff of the University;

(m) to fix, demand and receive such fees and other charges as may be prescribed;

(n) to supervise and control hostels and to regulate discipline of the students of the University and to make arrangements for promoting their health and welfare;

(o) to have collaboration in academic, research and extension education and such other programmes with other Universities, Research and Development Organisations;

(p) to develop entrepreneurship among students by providing hands-on training and developing managerial skills through fisheries work experience programme, industry linkages;

(q) to create world class facilities for promoting genetic and biotechnical investigations in Fisheries Sciences;

(r) to acquire and hold property, both movable and immovable, for the purpose of the University;

(s) to lease, sell or otherwise transfer any immovable property with the prior approval of the Government;

(t) to institute teaching, research and extension education posts and to appoint persons to such posts;

(u) to create administrative and other posts and to appoint persons to such posts;

(v) to work with Tamil Nadu Veterinary and Animal Sciences University in areas of mutual interest to bring better benefits to the fisher folk. The University shall report such collaboration activities to the Government annually;

(w) to work with Tamil Nadu Maritime Academy at Chennai and Thoothukudi and its associated units in the areas of mutual interest to bring better benefits to the fisher folk;

(x) to do all such acts and things, whether incidental to the powers and functions aforesaid or not, as may be necessary or desirable to further the objects of the University.

Admission to
University.

6. (1) The University shall, subject to the provisions of this Act and the Statutes, be open to all persons.

(2) Nothing contained in sub-section (1) shall require the University,—

(a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard;

(b) to retain on the rolls of the University any student whose, academic record is below the minimum standard required for the award of a degree, diploma or other academic distinction;

(c) to admit any person or retain any student whose conduct is prejudicial to the interest of the University or the rights and privileges of other students and staff;

(d) to admit to any course of study, students larger in number than those prescribed.

(3) Subject to the provisions of sub-section (2), the Government may, by order, direct that the University shall reserve such percentage of seats for the students belonging to the Scheduled Castes, Scheduled Tribes, Most Backward Classes and Backward Classes as may be specified in such direction and where such direction has been given, the University shall make the reservation accordingly.

7. (1) The Chancellor shall have the right to cause an inspection to be made by such person or persons as he may direct,—

Inspection and inquiry.

(a) of the University, its buildings, laboratories, libraries, museums, workshops and equipments;

(b) of any institution, college or hostel maintained by the University;

(c) of the teaching and other work conducted by the university or under its auspices;

(d) of the conduct of any examination held by the University.

(2) The Chancellor shall also have the right to cause an inquiry to be made by such person or persons as he may direct in respect of any matter connected with the administration or finance of the University.

(3) The Chancellor shall, in every case give notice to the University of their intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented at such inspection or inquiry.

(4) The Chancellor shall communicate to the University their views with reference to the result of such inspection or inquiry and may, after ascertaining the opinion of the University thereon, advise the University upon the action to be taken and fix a time limit for taking such action.

(5) The University shall, within the time limit so fixed, report to the Chancellor, the action taken or proposed to be taken on the advice tendered by the Chancellor.

(6) If the University does not take action within the time limit fixed or if the action taken by the University is in the opinion of the Chancellor not satisfactory, the Chancellor may, after considering any explanation offered or representation made by the University, issue such direction as they may deem fit and the University shall comply with such direction.

(7) If the University does not comply with such direction within such time as may be fixed in that behalf by the Chancellor, the Chancellor shall have power to appoint any person or body to comply with such direction and make such orders as may be necessary for the expenses thereof.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

8. The University shall consist of the following officers, namely:—

Officers of University.

(1) The Chancellor;

(2) The Pro-Chancellor;

(3) The Vice-Chancellor;

(4) The Registrar;

(5) The Deans;

(6) The Director of Research;

(7) The Director of Extension Education;

(8) The Directors;

(9) The Controller of Examinations;

(10) The Finance Officer; and

(11) Such other persons as may be declared by the statutes to be officers of the University.

The
Chancellor.

9. (1) The Governor of Tamil Nadu shall be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall when present, preside at any convocation of the University and confer degrees, diplomas or other academic distinctions upon persons entitled to receive them.

(3) No honorary degree or other distinction shall be conferred by the University upon any person without the approval of the Chancellor.

(4) The Chancellor may of his own motion or on application call for and examine the record of any officer or authority of the University in respect of any proceeding to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of any decision passed or order made therein; and if, in any case, it appears to the Chancellor that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that every application to the Chancellor for the exercise of the powers under this section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant:

Provided further that no order prejudicial to any person shall be passed unless such person has been given an opportunity of making his representation.

(5) The Chancellor shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Act or the statutes.

The Pro-
Chancellor.

10. (1) The Minister-in-charge of the portfolio of Fisheries in the State shall be the Pro-Chancellor of the University.

(2) When the Chancellor is unable to discharge his duties owing to absence, illness or any other cause, the Pro-Chancellor shall discharge the duties of the Chancellor until the date on which the Chancellor resumes his duties.

The Vice-
Chancellor.

11. (1) Every appointment of the Vice-Chancellor shall be made by the Chancellor from out of a panel of three names of eminent persons not less than the rank of Professor in the faculty of Fisheries Sciences with a degree of Bachelor of Fisheries Science, recommended by the committee referred to in sub-section (2) and such panel shall not contain the name of any member of the said committee;

Provided that if the Chancellor does not approve any of the persons in the panel so recommended by the committee, he may take steps to constitute another committee, in accordance with sub-section (2) to give a fresh panel of three different names and shall appoint one of the persons named in the fresh panel as the Vice-Chancellor.

(2) For the purpose of sub-section (1), the committee shall consist of three persons of whom one shall be nominated by the Board of Management, one shall be nominated by the Academic Council and one shall be nominated by the Chancellor:

Provided that the person so nominated shall not be a member of any of the authorities of the University.

(3) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for reappointment for another term of three years:

Provided that—

(a) the Vice-Chancellor may, by writing under his hand addressed to the Chancellor and after giving two months' notice resign his office;

(b) the Vice-Chancellor shall not be removed from his office on the ground of wilful omission or refusal to carry out the provisions of this Act, or abuse of the powers vested in him except by an order of the Chancellor passed after due enquiry ordered by the Government, by such person who is or has been,—

(i) a judge of the High Court; or

(ii) an officer of the Government not below the rank of Chief Secretary to Government; or

(iii) a Vice-Chancellor of any University in the State,

as may be appointed by the Government in which the Vice-Chancellor shall have an opportunity of making his representation against such removal.

(4) In the event of the occurrence of any vacancy in the office of the Vice - Chancellor by reason of his death or illness, resignation or removal, or otherwise, the Registrar shall act as Vice-Chancellor until the date on which a new Vice-Chancellor appointed in accordance with the provisions of this Act to fill such vacancy enters upon his office.

(5) The Vice-Chancellor shall be a whole time officer of the University and his emoluments and other terms and conditions of service shall be as follows:—

(i) The Vice-Chancellor shall be entitled to such salary as may be prescribed;

(ii) The Vice-Chancellor shall be entitled, without payment of rent, to the use of a furnished residence throughout his term of office, and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence;

(iii) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Board, with the approval of the Chancellor, from time to time:

Provided that where an employee of-

(a) The University; or

(b) any other University or college or institution maintained by, or affiliated to, that University, is appointed as Vice-chancellor, he shall be allowed to continue to contribute to the Provident fund to which he is a subscriber, and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice- Chancellor;

(iv) The Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Board;

(v) The Vice-Chancellor shall be entitled to earned leave on full pay at one-eleventh of the periods spent by him on active service:

Provided that when the earned leave applied for by the Vice-Chancellor, in sufficient time before the date of expiry of the term of his office, is refused by the Chancellor in the interest of the University and if he does not avail of the leave before the date of expiry of the term of his office, he shall be entitled to draw cash equivalent to leave salary after relinquishment of his office in respect of earned leave at his credit subject to a maximum of two hundred and forty days;

(vi) The Vice-Chancellor shall be entitled, on medical grounds or otherwise, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he is entitled to earned leave under clause (v).

12. (1) The Vice-Chancellor shall be the academic head and the principal executive officer of the University. He shall be a member *ex-officio* and Chairman of the Board, the Academic council, the Planning Board, and the Finance Committee and shall be entitled to be present at, and to address, any meeting of any authority of the University but shall not be entitled to vote there at, unless he is a member of the authority concerned.

Powers and
duties of
Vice-
Chancellor.

(2) The Vice-Chancellor shall, in the absence of the Chancellor and Pro-Chancellor, preside at the convocation of the University and confer degrees, diplomas or other academic distinctions upon persons entitled to receive them.

(3) The Vice-Chancellor shall exercise control over the affairs of the University and shall be responsible for the due maintenance of discipline in the University.

(4) The Vice-Chancellor shall convene meetings of the Board and the Academic Council.

(5) The Vice-Chancellor shall ensure the faithful observance of the provisions of this Act, the statutes and regulations.

(6) In any emergency, which in the opinion of the Vice-Chancellor requires immediate action to be taken, he shall, by order, take such action as he deems necessary and shall at the earliest opportunity report the action taken to such officer or authority or body as would have in the ordinary course dealt with the matter:

Provided that no such order shall be passed unless the person likely to be affected has been given a reasonable opportunity of being heard.

(7) Any person, aggrieved by an order of the Vice-Chancellor under sub-section (6) may prefer an appeal to the Board within thirty days from the date on which such order is communicated to him and the Vice-Chancellor shall give effect to the order passed by the Board on such appeal.

(8) The Vice-Chancellor shall be responsible for the co-ordination and integration of teaching, research and extension education.

(9) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by statutes.

The Registrar.

13. (1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Vice-Chancellor with the approval of the Board. The terms and conditions of the Registrar shall be as follows:-

(a) The holder of the post of Registrar shall be an academician in the field of Fisheries Science with a degree of Bachelor of Fisheries Science, not lower in rank than that of a Professor in the University or in the institutions specified in the Schedule;

(b) The Registrar shall hold office for a period of three years:

Provided that a person appointed as Registrar shall retire from office, if during the term of his office, he completes the age of sixty years.

(2) (a) The Registrar shall be the ex-officio Secretary to the Board, the Academic Council and the Faculties;

(b) When the office of the Registrar is vacant, or when the Registrar is, by reason of illness, absence or any other reason, unable to exercise the powers, perform the functions and discharge the duties of his office, the powers, functions and duties of the office of the Registrar shall be exercised, performed and discharged by such person as the Vice-chancellor may appoint for the purpose;

(c) It shall be the duty of the Registrar ;

(i) to manage the property and investments of the University including trust and endowed property in accordance with the decision of the Finance Committee and the Board;

(ii) to be the custodian of the records, the common seal and such other properties of the University as the Board shall commit to his charge; and

(iii) to issue all notices convening meetings of the Board, the Academic Council, the Faculties, the Board of Studies, the Board of Examiners and the Planning Board and of any committee appointed by the authorities of the University;

(d) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served on, the Registrar;

(e) The Registrar shall exercise such powers and perform such other functions and discharge such other duties as may be prescribed by the Board.

The Finance
Officer.

14. (1) The Finance Officer shall be a whole-time salaried officer of the University appointed by the Board from out of a panel of three names recommended by the Government. The qualifications and the method of recruitment shall be such as may be prescribed.

(2) The Finance Officer shall hold office for a period of three years subject to such terms and conditions as may be specified by the Board:

Provided that a person appointed as Finance Officer shall retire from office, if during the term of his office, he completes the age of fifty-eight years.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness or absence or any other cause, unable to exercise the powers, perform the functions and discharge the duties of his office, the powers, functions and duties of the office of the Finance Officer shall be exercised, performed and discharged by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be the *ex-officio* Secretary to the Finance Committee.

(6) The Finance Officer shall,—

(a) exercise general supervision over the funds of the University and shall advise the University as regards its financial policy; and

(b) exercise such other powers and perform such other financial functions, as may be assigned to him by the Board or as may be prescribed:

Provided that the Finance Officer shall not incur any expenditure or make an investment exceeding such amount as may be prescribed except with the previous approval of the Board.

(7) Subject to the control of the Board, the Finance Officer shall,—

(a) ensure that the limits fixed by the Board for recurring and non-recurring expenditure for a year are not exceeded and that all monies are expended for the purposes for which they are granted or allotted;

(b) be responsible for the preparation of annual accounts, financial estimates and the budget of the University and for their presentation to the Finance Committee and the Board;

(c) keep a constant watch on the cash and bank balances and of investments;

(d) watch the progress of the collection of revenue and advise on the methods of collection employed;

(e) ensure that the registers of buildings, land, furniture and equipments are maintained up-to-date, and that stock checking is conducted in respect of equipments and other consumable materials in all offices, laboratories, colleges and institutions maintained by the University;

(f) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularity and suggest appropriate action to be taken against persons at fault; and

(g) call from any office, laboratory, college or institution maintained by the University, any information or returns as he may consider necessary for the exercise of his powers, performance of his functions or discharge of his duties.

15. (1) Each college shall have a Dean having a Bachelor degree in Fisheries Science, who shall be a whole-time salaried officer of the University and shall be appointed by the Vice-Chancellor with the approval of the Board on such terms and conditions as may be prescribed.

The Dean.

(2) The Dean shall hold office for a period of three years subject to such terms and conditions as may be specified by the Board and he shall be eligible for re-appointment for another term of three years:

Provided that a person appointed as Dean shall retire from office, if during the term of his office, he completes the age of sixty years;

(3) The Dean shall be responsible to the Vice-Chancellor for all matters concerning his college.

(4) The Dean shall exercise such powers and perform such duties as may be prescribed.

The Directors.

16. (1) The Directors shall be whole-time salaried officers of the University with a degree of Bachelor of Fisheries Science, and shall be appointed by the Vice-Chancellor with the approval of the Board subject to such terms and conditions as may be prescribed.

(2) Every Director shall hold office for a period of three years subject to such terms and conditions as may be specified by the Board and he shall be eligible for reappointment for another term of three years:

Provided that a person appointed as Director shall retire from office, if during the term of his office, he completes the age of sixty years.

(3) The Director of Research shall be responsible for the proper functioning of the Research Stations and shall co-ordinate research work in co-operation with the Dean and other officers and shall exercise such powers and perform such duties as may be prescribed.

(4) The Director of Extension Education shall be responsible for the planning and execution of programmes of extension work based on the results of research and work in co-operation with the Dean and other officers and shall exercise such powers and perform such duties as may be prescribed.

The Controller of Examinations.

17. (1) The Controller of Examinations shall be an academician in the field of Fisheries Science with a degree of Bachelor of Fisheries Science and a whole-time salaried officer of the University appointed by the Vice-Chancellor with the approval of the Board for such period and on such terms and conditions as may be prescribed.

(2) The Controller of Examinations shall exercise such powers and perform such duties as may be prescribed:

Provided that a person appointed as Controller of Examinations shall retire from office, if during the term of his office, he completes the age of sixty years.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

Authorities of University.

18. The authorities of the University shall be the Board of Management, the Academic Council, the Faculties, the Board of Studies, the Planning Board, the Finance Committee and such other bodies of the University as may be declared by the statutes to be authorities of the University.

Constitution of Board of Management.

19. (1) The Chancellor shall, as soon as may be, after the first Vice-Chancellor is appointed under section 49, constitute a Board of Management.

(2) The Board shall consist of the following members, namely:—

CLASS I - EX-OFFICIO MEMBERS.

- (a) The Vice-Chancellor ;
- (b) The Secretary to Government, in-charge of Fisheries;
- (c) The Secretary to Government, in-charge of Finance;
- (d) The Secretary to Government, in-charge of Law;
- (e) Member Secretary, Council for Science and Technology;
- (f) Chief Executive Officer, Maritime Board, Chennai;
- (g) The Director of Fisheries; and
- (h) The Registrar.

CLASS II - OTHER MEMBERS.

(a) One fisheries scientist having special knowledge or practical experience in fisheries research, teaching and extension education nominated by the Chancellor;

- (b) One progressive fish farmer or fisher folk nominated by the Government;
- (c) One representative of the fishery business including co-operatives and fishery Industry nominated by the Government ;
- (d) One woman member with active interest in Social development nominated by the Chancellor;
- (e) One educationist nominated by the Chancellor;
- (f) One nominee of the Indian Council of Agricultural Research, New Delhi;
- (g) One member elected by the Members of the Legislative Assembly of the State from among themselves;
- (h) One representative from National Fisheries Development Board , Hyderabad;
- (i) One representative from the Ministry of Food Processing Industries, New Delhi;
- (j) One representative from Ministry of Earth Sciences, New Delhi; and
- (k) One representative from Ministry of Science and Technology, New Delhi

(3) In case the Secretary to Government, in-charge of Fisheries or the Secretary to Government, in-charge of Finance or the Secretary to Government, in-charge of Law, is unable to attend the meetings of the Board, for any reason, he may depute any officer of his department not lower in rank than that of Joint Secretary to Government to attend the meetings. In case the Chief Executive Officer, Maritime Board, or the Member Secretary, Council of Science and Technology is unable to attend the meetings of the Board, for any reason, he may depute any officer of the Maritime Board or the Council of Science and Technology, as the case may be, to attend the meetings. The officer so deputed shall have the right to take part in the discussions of the meetings and shall have the right to vote.

(4) The Vice-Chancellor shall be the *ex-officio* Chairman of, and the Registrar shall be the *ex-officio* Secretary to the Board.

(5) (a) The members of the Board, other than the *ex-officio* members, shall hold office for three years and such members shall be eligible for election or nomination for another period of three years.

(b) Where a member is elected or nominated to the Board of Management in casual vacancy, the period of office held for not less than one year by any such member shall be construed as a full period of three years:

Provided that a member of the Board, who is nominated or elected in his capacity as a member of a particular electorate or body, or the holder of a particular appointment, shall cease to be a member of the Board from the date on which he ceases to be a member of that electorate or body, or the holder of that appointment, as the case may be:

Provided further that where an elected or a nominated member of the Board of Management is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of the Board of Management *ex-officio*, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Board of Management by virtue of his election or nomination or whether he will vacate office as such member and become a member of *ex-officio* by virtue of his appointment and the choice shall be conclusive. On failure to make such a choice, he shall be deemed to have vacated his office as an elected or a nominated member.

(6) No officer or employee of the University, other than the Vice-Chancellor and the Registrar shall be eligible to be a member of the Board.

(7) The members of the Board shall not be entitled to receive any remuneration from the University except such daily and travelling allowances as may be prescribed.

(8) The Chancellor may, after giving a reasonable opportunity of being heard, remove any member of the Board other than an *ex-officio* member from office, if such member, in the opinion of the Chancellor, is incapable of acting as a member or has abused his position as a member so as to render his continuance of such member detrimental to the interest of the University.

(9) A member of the Board, other than the *ex-officio* member, may tender resignation of his membership at any time before the expiry of the term of his office. Such resignation shall be conveyed to the Chancellor by a letter in writing by the member and the resignation shall take effect from the date of its acceptance by the Chancellor.

Powers and
duties of
Board.

20. The powers and duties of the Board shall be,-

(a) to consider and review the financial requirements and approve the annual financial estimates of the University;

(b) to provide for the administration of any funds placed at the disposal of the University for the purposes intended;

(c) to arrange for the investment and withdrawal of funds of the University;

(d) to borrow money for capital improvements and to make suitable arrangements for its repayment;

(e) to acquire, hold and dispose of property on behalf of the University;

(f) to determine the form, provide for the custody, and regulate the use of the common seal of the University;

(g) to appoint such committees, either standing or temporary, as it may consider necessary and specify the terms of reference thereof subject to the provisions of this Act and the statutes;

(h) to determine and regulate all questions of policy relating to the University in accordance with the provisions of this Act and the statutes;

(i) to make financial provision for the instruction, teaching, research, advancement and dissemination of knowledge in such branches of learning and courses of study as may be determined by the Academic Council;

(j) to provide for the establishment and maintenance of colleges, hostels, laboratories, experimental farms and other facilities necessary for carrying out the purposes of this Act;

(k) to provide for the institution and conferment of degrees, diplomas and other academic distinctions;

(l) to provide for the institution, maintenance and award of scholarships, fellowships, studentships, medals, prizes and the like;

(m) to accept trust, bequest, donation and transfer of any movable or immovable property on behalf of the University;

(n) to enter into contract on behalf of the University;

(o) to implement educational, research and extension programmes under Public Private Partnership mode;

(p) to exercise such other powers and perform such other duties not inconsistent with the provisions of this Act or the statutes as may be necessary for carrying out the purpose of this Act; and

(q) to make statutes and amend or repeal the statutes.

Meetings of
Board.

21. (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings including the quorum at meetings as may be prescribed:

Provided that the Board shall meet at least once in every three months.

(2) The Vice-Chancellor or in his absence, any member chosen by the members present, shall preside at a meeting of the Board.

(3) All questions at any meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Vice-Chancellor or the member presiding, as the case may be, shall have and exercise a second or casting vote.

(4) (a) The Board may, for purpose of consultation, invite any person having special knowledge or practical experience on any subject under consideration to attend any meeting. Such person may speak in, and otherwise take part in the proceedings of such meeting but shall not be entitled to vote.

(b) The person so invited shall be entitled to such daily and travelling allowances as are admissible to any member of the Board.

22. The Academic Council shall be the academic authority of the University and shall, subject to the provisions of this Act and the statutes, have the control and general regulation of teaching and examination in the University and be responsible for the maintenance of the standards thereof.

The
Academic
Council.

23. (1) The Academic Council shall consist of the following members, namely:—

Constitution of
Academic
Council.

CLASS I – EX-OFFICIO MEMBERS.

- (a) The Vice-Chancellor ;
- (b) The Secretary to Government, in- charge of Fisheries;
- (c) Director of Fisheries;
- (d) The Dean of each College;
- (e) The Dean (Academic);
- (f) The Director Research;
- (g) The Director of Extension Education;
- (h) The Controller of Examinations; and
- (i) The Registrar.

CLASS-II OTHER MEMBERS.

(a) Six members from amongst the Heads of Departments to be nominated by the Vice-Chancellor, on rotational basis;

(b) Three persons having special knowledge or practical experience in different aspects of Fisheries to be nominated by the Vice-Chancellor;

(c) One Dean of the Indian Council of Agricultural Research recognized Fisheries College;

(d) One Dean to be nominated by the Tamil Nadu Veterinary and Animal Sciences University;

(e) One Dean to be nominated by the Tamil Nadu Agricultural University;

(f) One Dean from Maritime Academy to be nominated by the Chief Executive Officer, Maritime Board;

(2) The Vice-Chancellor shall be the *ex-officio* Chairman and the Registrar shall be the *ex-officio* Secretary to the Academic Council.

(3) (a) The members of the Academic Council shall not be entitled to receive any remuneration from the University except such daily and travelling allowances as may be prescribed:

Provided that nothing contained in this sub-section shall preclude any member from drawing his normal emoluments to which he is entitled by virtue of the office he holds.

(b) A member of the Academic Council, other than the *ex-officio* member, may tender resignation of his membership at any time before the expiry of the term of his office. Such resignation shall be conveyed to the Vice-Chancellor by a letter in writing by the member and the resignation shall take effect from the date of its acceptance by the Vice-Chancellor.

(c) The term of office of the members of the Academic Council, other than the *ex-officio* members, shall be three years:

Provided that a member of the Academic Council who is nominated in his capacity as the holder of a particular appointment shall cease to be a member of the Academic Council from the date on which he ceases to be the holder of that appointment.

Powers and
duties of the
Academic
Council.

24. The powers and duties of the Academic Council shall be,—

(a) to exercise general control on teaching and other educational programmes and maintain and promote the standards thereof;

(b) to make regulations and amend or repeal the same;

(c) to make regulations regarding,—

(i) the admission of students to the University and the number of students to be admitted;

(ii) the courses of study leading to degrees, diplomas and other academic distinctions; and

(iii) the conduct of examinations and maintenance and promotion of standards of education.

(d) to advise the Board on all academic matters including the control and management of libraries;

(e) to make recommendation to the Board for the institution of Professorship, Associate Professorship, Assistant Professorship and other teaching posts including posts in research and extension education and in regard to the duties thereof;

(f) to formulate, modify or revise schemes for the constitution or reconstitution of departments of teaching, research and extension education;

(g) to make recommendation to the Board regarding post-graduate teaching, research and extension education;

(h) to make recommendation to the Board regarding the qualifications to be prescribed for teaching and extension staff in the University;

(i) to make recommendation to the Board for the conferment of honorary degrees or other distinctions; and

(j) to exercise such other powers and perform such other duties as may be prescribed by the statutes.

The Faculties.

25. (1) The University shall include Faculties of Fisheries Sciences, Basic Sciences, Information Technology and such other Faculties as may be prescribed by the statutes.

(2) Each Faculty shall have a Dean who shall be appointed in such manner as may be prescribed.

(3) Each Faculty shall comprise such departments of teaching with such assignment of subjects of study as may be prescribed and each department shall have a Head who shall be responsible to the Dean for the proper organisation and working of that department. Such Head of the Departments shall be appointed by the Vice-Chancellor on rotation basis for a maximum period of three years subject to periodical review.

(4) The constitution and functions of the Faculties shall, in all other respects, be such as may be prescribed.

26. There shall be a Board of Studies for each faculty, the constitution and functions of which shall be such as may be prescribed.

The Board of Studies.

27. (1) There shall be constituted a Planning Board of the University which shall advise generally on the planning and development of the University and keep under review the standard of education and research in the University.

The Planning Board.

(2) The Planning Board shall consist of the following members, namely:-

(i) the Vice-Chancellor, who shall be the *ex-officio* Chairman of the Planning Board; and

(ii) not more than eight persons of high academic standing nominated by the Board.

(3) The term of office of the nominated members of the Planning Board shall be three years.

(4) The Planning Board shall, in addition to all other powers vested in it by this Act, have the right to advise the Board of Management and the Academic Council on any academic matter.

28. All the authorities of the University shall have power to constitute or reconstitute committees and to delegate to them such of their powers as they deem fit; such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons, if any, as the authority in each case, may think fit.

Constitution of committees and delegation of powers.

CHAPTER V.

RESEARCH AND EXTENSION

EDUCATION ORGANISATIONS.

29. (1) Subject to the provisions of this Act and the statutes, the University shall establish a Fisheries Research Organisation for doing basic research on problems primarily relating to fisheries sciences for the purpose of aiding the development of fisheries and shall for this purpose, establish as many fisheries research stations as may be necessary in co-operation with the department of Fisheries.

Fisheries Research Organisation.

(2) The Fisheries Research Organisation shall be developed under the guidance of the Director of Research.

30. (1) Subject to the provisions of this Act and the statutes, the University shall establish a Fisheries Extension Education Organisation, which shall make available the information obtained on the basis of research to students, extension workers and fish farmers and fisherfolk and shall conduct demonstration and training programme for the benefit of such persons in co-operation with the concerned Government departments.

Fisheries Extension Education Organisation.

(2) The University shall undertake such fisheries extension education activities as are necessary,—

(a) to inform and demonstrate to the fish farmers and fisherfolk, the findings and developments of fisheries research on improved practices essential to uplift the living conditions of fish farmers and fisherfolk;

(b) to increase fisheries production with special emphasis on food production and utilization.

(3) The Fisheries Extension Education Organisation shall be developed under the guidance of the Director of Extension Education.

CHAPTER VI.

FUNDS AND ACCOUNTS.

31. (1) The University shall have a General Fund to which shall be credited,—

General Fund.

(a) its income from fees, endowments, grants, donations and gifts, if any;

(b) any contribution or grant made by the Central Government, any State Government, the University Grants Commission established under section 4 of the University Grants Commission Act, 1956 or like authority, any local authority or any corporation owned or controlled by the Government; and

Central Act
III of 1956.

(c) other receipts.

(2) The monies in the General Fund shall be invested in the securities specified in clauses (a) to (d) of section 20 of the Indian Trust Act, 1882.

Central Act II
of 1882.

(3) The University shall furnish such statements, accounts, reports and other particulars relating to any grant made by the Government and its utilization, as the Government may require.

Other funds. **32.** The University may have such other funds as may be prescribed by the statutes.

Management of funds. **33.** The funds and all monies of the University shall be managed in such manner as may be prescribed.

Grants. **34** (1). The Government shall, every year make non-lapsable, lumpsum grants to the University as follows:—

(a) a grant not less than the net expenditure incurred in the year in respect of the activities of the institutions of Fisheries Sciences and such other Government departments relating to Fisheries Sciences as are transferred to the University;

(b) a grant not less than the estimated expenditure on pay and allowances of the staff, contingencies, supplies and services of the University;

(c) a grant to meet such additional items of expenditure, recurring and non-recurring, as the Government may deem necessary for the proper functioning of the University;

(d) annual grant to set new bench mark standards in fisheries education, research and extension, based on progress.

(2) The University shall furnish to the State Government such statements, accounts, reports and other particulars, as it may require before any grant is made by it, and the university shall take such action and furnish such statements, accounts, reports and other particulars relating to the utilization of any grant, with in such time and in such manner as the State Government may direct.

The Finance Committee. **35.** (1) The Board shall appoint a Finance Committee consisting of the following members, namely:—

(a) The Vice-Chancellor ;

(b) The Secretary to Government, in-charge of Fisheries;

(c) The Secretary to Government, in-charge of Finance;

(d) One member chosen by the Board from amongst its non-official members;
and

(e) The Finance Officer.

(2) The Vice-Chancellor shall be the *ex-officio* Chairman of the Finance committee. The Finance Officer shall be the *ex-officio* secretary to the Finance committee.

(3) In case the Secretary to Government, in-charge of Fisheries or the Secretary to Government, in-charge of Finance is unable to attend the meetings of the Finance Committee, for any reason, he may depute any officer of his department not lower in rank than that of Joint Secretary to Government to attend the meetings. The Officer so deputed shall have the right to take part in the discussions of the meetings and shall have the right to vote.

(4) The Finance Committee shall,—

(a) examine the annual accounts and the annual financial estimates of the University and advise the Board thereon;

(b) review the financial position of the University from time to time;

(c) make recommendation to the Board on every proposal involving expenditure for which no provision has been made in the annual financial estimates;

(d) make recommendation to the Board on all matters relating to the finances of the University;

(e) perform such other functions as may be prescribed.

36. The Board may constitute such other authorities of the University as may be necessary in the manner prescribed in the statutes.

Constitution of other authority.

37. (1) The annual accounts prepared by the Finance Officer shall be submitted to such examination and audit as the Government may direct and a copy of the annual accounts and audit report shall be submitted to the Government.

Annual accounts.

(2) The University shall settle objections raised in the audit and carry out such instructions as may be issued by the Government on the audit report.

(3) The Government, shall cause the annual accounts and the audit report to be laid before the Legislative Assembly of the State together with their comments.

(4) The Finance Officer shall, before such date as may be prescribed by the statutes, prepare the annual financial estimates for the ensuing year.

(5) The annual accounts and the annual financial estimates prepared by the Finance Officer shall be placed before the Board together with the remarks of the Finance Committee for approval at its annual meeting and the Board may pass resolution with reference thereto and communicate the same to the Finance Officer who shall take action in accordance therewith.

CHAPTER VII.

CONDITIONS OF SERVICE.

38. (1) The University shall institute for the benefit of its officers, teachers and other employees such pension, gratuity, insurance and provident fund as it may deem fit, in such manner and subject to such conditions as may be prescribed.

Pension, gratuity, etc.

(2) Where the University has so instituted a provident fund under sub-section (1), the Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if the University were a local authority and the fund a Government provident fund.

Central Act
XIX of 1925.

(3) The University may, in consultation with the Finance Committee, invest the provident fund amount in such manner as it may determine.

Explanation.—For the purposes of this section and sections 39 and 42 the word, “officer” shall not include the Chancellor, the Pro-Chancellor and the Vice-Chancellor of the University.

39. Subject to the provisions of this Act, the appointment, procedure for selection, pay and allowances and other conditions of service of officers, teachers and other employees of the University shall be such as may be prescribed.

Conditions of service.

CHAPTER VIII.

STATUTES AND REGULATIONS.

40. Subject to the provisions of this Act, the statutes may provide for all or any of the following matters, namely:—

Statutes.

- (a) the conditions under which the teaching, research and extension in the University may be carried on;
- (b) the manner in which and the conditions under which the honorary degrees and other distinctions may be conferred;
- (c) the fixation, payment and receipt of fees and other charges;
- (d) the prescription of academic qualification and standard for admission to the University;
- (e) the terms and conditions subject to which the Registrar may be appointed and his powers and duties;
- (f) the terms and conditions subject to which the Finance Officer may be appointed and his powers, functions and duties;
- (g) the terms and conditions subject to which the Deans may be appointed and their powers and duties;
- (h) the terms and conditions subject to which the Director of Research, Director of Extension Education, Controller of Examinations and other Directors may be appointed and their powers and duties;
- (i) the daily and travelling allowances to be paid to the members of the Board, Academic Council and other authorities of the University and the committees thereof;
- (j) the assignment of subjects of study for each Faculty;
- (k) the constitution and functions of the Board of Studies of each Faculty;
- (l) the constitution and functions of the Faculties;
- (m) the manner in which the Deans may be appointed;
- (n) affiliation of Colleges and Institutions;
- (o) the establishment and management of the funds and monies of the University;
- (p) the manner of publication of the accounts audited;
- (q) the period for which and the manner in which the instruction, teaching, training and holding examinations shall be conducted for the students of the colleges specified in section 44;
- (r) any other matter, which is required to be, or may be prescribed by the statutes; and
- (s) the constitution, powers and functions of the other authorities of the University.

41. (1) The Board may, from time to time, make statutes and amend or repeal the statutes in the manner hereinafter provided in this section.

Statutes how made.

(2) The Academic Council may propose to the Board the draft of any statute or of any amendment to, or of repeal of, a statute to be passed by the Board and such draft shall be considered by the Board at its next meeting:

Provided that the Academic Council shall not propose any amendment to any statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinion so expressed shall be considered by the Board.

(3) The Board may consider the draft proposed by the Academic Council under sub-section (2) and may either pass the draft statute or reject or return with or without amendments to the Academic Council for reconsideration.

(4) (a) Any member of the Board may propose to the Board the draft of a statute and the Board may either accept or reject the draft, if it relates to a matter not falling within the purview of the Academic Council.

(b) In case such draft relates to a matter within the purview of the Academic Council, the Board shall refer it for consideration to the Academic Council, which may, after following the procedure laid down in the proviso to sub-section (2) either report to the Board that it does not approve the draft or submit the draft to the Board in such form as the Academic Council may approve and the Board may either pass with or without amendments or reject the draft.

42. (1) Subject to the provisions of this Act and the statutes, the authorities of the University may make regulations to provide for all or any of the following matters, namely:—

Regulations.

(a) The manner in which and the conditions subject to which the pension, gratuity, insurance and provident fund may be instituted for the benefit of the officers, teachers and other employees of the University;

(b) The appointment, procedure for selection, and pay and allowances and other conditions of services of officers, teachers and other employees of the University;

(c) The giving of notice to the members of any authority of the University, the dates of the meetings and the business to be transacted at the meetings and for keeping a record of the proceedings of the meetings;

(d) The procedure to be observed at the meetings and the number of members required to form the quorum; and

(e) Any other matter which is required to be or may be prescribed by regulations.

(2) The Academic Council may, subject to the provisions of the statutes, make regulations providing for the courses of study, system of examinations and award of degrees, diplomas and other academic distinctions of the University, after receiving the draft of the same from the Board of Studies concerned.

(3) The Board may issue such direction, as it may think fit to the concerned authority to amend any regulation.

CHAPTER IX.

TRANSFER OF COLLEGES, EMPLOYEES AND FUNDS.

Tamil Nadu
Act 42 of
1989.

43. (1) Notwithstanding anything contained in the Tamil Nadu Veterinary and Animal Sciences University Act, 1989 or the statutes, regulations and orders made there under, on and from the appointed date.

Transfer of
certain
colleges
and
institutions
to
University.

(a) the institutions specified in Part I of the Schedule, which immediately preceding such date were the constituent college and of the institutions of the Tamil Nadu Veterinary and Animal Sciences University; and

(b) the institutions specified in Part II of the schedule, which immediately preceding such date were under the control of the Fisheries Department of the Government

shall be transferred to, and maintained by, the University as the constituent colleges of, and the institutions of, the University.

(2) On and from the appointed date, the control and management of the colleges and institutions specified in sub-section (1) and all properties, assets and liabilities of the corresponding University and the Government, in relation thereto shall stand transferred to, and vest in, the University.

(3) The Government may, at any time, after the appointed date, transfer to the University, any of their lands for its use on such terms and conditions as they deem proper.

(4) The Government may, at any time after the appointed date, transfer to the University, the control and management of any of their colleges or government institutions on such terms and conditions as they deem proper.

(5) Notwithstanding anything contained in any other Act relating to the establishment of a University in the State or the statutes, ordinances, regulations and orders made thereunder, on and from the date to be specified by the Government, the colleges or institutions referred to in sub-section (4) shall be disaffiliated from the University to which they were affiliated on the date immediately preceding the specified date and shall be deemed to be colleges or institutions affiliated to the University and the provisions of this Act shall, as far as may be, apply accordingly.

Special
provisions
for students.

44. Notwithstanding anything contained in this Act, the statutes or regulations, every student of a college specified in sub-section (1) of section 43 who immediately before the appointed date was studying in any college in the corresponding University or was eligible for any examination in the corresponding University shall be permitted to complete his course of study or be admitted to the examination in the University and the University shall make arrangements,—

(a) for the instruction, teaching, training and holding examination for such student for such period and in such manner as may be determined by the first Vice-Chancellor in accordance with the course of study in the corresponding University; and

(b) for the conferment of the corresponding degree, diploma or other academic distinction of the University upon the qualified student on the result of such examination.

Transfer of
service of
certain
employees.

45. (1) Every person who is qualified in the field of Fisheries Science and who immediately before the appointed day, is serving in the colleges and institutions of the Tamilnadu Veterinary and Animal Sciences University shall, as from the said day, become an employee of the University and shall cease to be an employee of the Tamil Nadu Veterinary and Animal Sciences University.

(2) (a) As soon as may be, after the appointed day, the Government may, after consulting the Vice-Chancellors of the Tamil Nadu Veterinary and Animal Sciences University and the Tamil Nadu Fisheries University, direct, by general or special order, that—

(i) such of the employee of the Government who immediately before the appointed day were serving in the institutions specified in Part II of the Schedule; and

(ii) such of the employee of the Tamil Nadu Veterinary and Animal Sciences University other than those specified in sub-section (1),

as are specified in such order shall stand allotted to serve in connection with the affairs of the Tamil Nadu Fisheries University with effect on and from such date as may be specified in such order:

Provided that no such order shall be issued in respect of any such employee, without his consent for such allotment.

(b) With effect on and from the date specified in the order under clause (a), the persons specified in such order shall become employees of the Tamil Nadu Fisheries University and shall cease to be employees of the Government or the Tamil Nadu Veterinary and Animal Sciences University, as the case may be.

(3) Every person referred to in sub-sections (1) and (2) shall hold office under the University by the same tenure, at the same remuneration and upon the same rights and privileges as to pension or gratuity, if any, and other matters as he would have held the same on the appointed day or the date specified in the order under clause (a) of sub-section (2), as the case may be, as if this Act has not been passed.

(4) The liability to pay pension and gratuity to the persons referred to in sub-sections (1) and (2) shall be the liability of the Tamil Nadu Fisheries University.

46.(1) The sums at the credit of the provident fund accounts of the employees referred to in sub-section (1) of section 45 as on the appointed date shall be transferred to the University and the liability in respect of the said provident fund accounts shall be the liability of the University.

Transfer of accumulations in provident fund and other like funds.

(2) The sums at the credit of the provident fund accounts of the employees specified in the order under sub-section (2) of section 45 as on the date specified in that order shall be transferred to the University and the liability in respect of the said provident fund accounts shall be the liability of the University.

(3) There shall be paid to the University out of the accumulations in the superannuation fund and other like funds, if any, of the corresponding University or, as the case may be, of the Government, such amounts as have been credited to the superannuation fund or other like funds, if any, on behalf of the employees referred to in sub-section (1) of section 45 and the employees specified in the order under sub-section (2) of section 45. The amounts so paid shall form part of the superannuation fund or other like funds, if any, that may be established by the University for the benefit of its employees.

47. (1) The Corresponding University shall, out of its funds as on the appointed date, pay to the University such amount as the Government may, in consultation with the corresponding University, specify.

Payment of certain monies to University.

(2) The amount payable under sub-section (1) shall be in addition to the amounts transferred under section 46.

48. On and from the appointed date, no new college imparting education in Fisheries Sciences shall be established except as a constituent or affiliated college of the University.

New college to be constituent or affiliated college.

CHAPTER X.

TRANSITORY PROVISIONS.

49. Notwithstanding anything contained in sub-section (1) of section 11, within six months from the appointed date, the first Vice-Chancellor shall be appointed by the Government on a salary to be fixed by them for a period not exceeding three years and on such other conditions as they think fit:

Appointment of first Vice-Chancellor.

Provided that the person appointed as the first Vice-Chancellor shall retire from office, if during the term of his office, he completes the age of sixty-five years.

50. Notwithstanding anything contained in sub-section (1) of section 13, within three months from the appointed date, the first Registrar shall be appointed by the Government on a salary to be fixed by them for a period not exceeding three years and on such other conditions as they think fit:

Appointment of first Registrar.

Provided that the person appointed as the first Registrar shall retire from office, if during the term of his office, he completes the age of sixty years.

51. (1) It shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Board of Management, the Academic Council and such other authorities of the University specified in section 18 within six months from the date of his appointment or such longer period, not exceeding one year, as the Government may, by notification, specify.

Transitory powers of first Vice-Chancellor.

(2) It shall be the duty of the first Vice-Chancellor to make such statutes and regulations as may be necessary with the approval of the Chancellor and submit them to the respective authority competent to deal with them for their disposal. Such statutes and regulations when framed shall be published in the *Tamil Nadu Government Gazette*.

(3) Notwithstanding anything contained in this Act and the statutes and regulations, until such time an authority is duly constituted, the first Vice-Chancellor may appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and functions of such authority under this Act, the statutes and the regulations.

(4) The authorities constituted under sub-section (1) shall commence to exercise their powers and perform their functions on such date or dates as the Government may, by notification, specify.

CHAPTER XI.

MISCELLANEOUS.

Annual
Report.

52. (1) The annual report of the University shall be prepared under the direction of the Vice-Chancellor and submitted to the Board at least one month before the annual meeting at which it is to be considered.

(2) The Board shall, after considering the annual report forward a copy thereof to the Government.

(3) On receipt of a copy of the annual report, the Government shall cause a copy of such report together with their comments thereon to be laid before the Legislative Assembly of the State.

Disputes as to
constitution
of
University
authorities
and bodies.

53. If any question arises whether any person has been duly elected or nominated as, or is entitled to be, a member of any authority of the University or other body of the University the question shall be referred to the Chancellor whose decision thereon shall be final.

Disqualification
for
membership.

54. (1) No person shall be qualified for nomination or election as a member of any of the authorities of the University, if, on the date of such nomination or election, he is—

(a) of unsound mind or a deaf-mute; or

(b) an applicant to be adjudicated as an insolvent or an undischarged insolvent; or

(c) sentenced by a criminal court to imprisonment for any offence involving moral turpitude.

(2) In case of dispute or doubt as to whether a person is disqualified under sub-section (1), the Board shall refer such case to the Chancellor, whose decision shall be final.

Removal from
membership
of any
University
authority.

55. (1) The Board may remove by an order in writing made in this behalf, any person from membership of any authority of the University by a resolution passed by a majority of two-third of the total membership of the Board present and voting at the meeting, if such person has been convicted by a Criminal Court for an offence which in the opinion of the Board involves moral turpitude, or if he has been guilty of gross misconduct and for the same reason, the Board may withdraw any degree or diploma or other academic distinction conferred on, or granted to, that person by the University.

(2) The Board may also by an order in writing made in this behalf remove any person from the membership of any authority of the University if he becomes of unsound mind or deaf-mute or has applied to be adjudicated or has been adjudicated as an insolvent.

(3) No action under this section shall be taken against any person unless he has been given a reasonable opportunity to show cause against the action proposed to be taken.

(4) A copy of every order passed under sub-section (1) or sub-section (2), as the case may be, shall, as soon as may be after it is so passed, be communicated to the person concerned in the manner prescribed.

Constitution
of
committees
and
delegation of
powers.

56. All the authorities of the University shall have power to constitute or reconstitute committees and to delegate to them such of their powers as they deem fit. Such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons, if any, as the authority in each case may think fit.

57. All casual vacancies among the members (other than ex-officio members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who or which nominated or elected, the member in whose place has become vacant and the person nominated or elected to a casual vacancy shall be a member of such authority or body for the remainder of the term for which the member in whose place he is nominated or elected would have held office:

Filling of casual vacancy.

Provided that no casual vacancy shall be filled, if such vacancy occurs within six months before the date of the expiry of the term of the member of any authority or other body of the University.

58. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or any defect or irregularity in the appointment of a member of any authority or of other body of the University or of any defect or irregularity in any such act or proceeding not affecting the merits of the case or on the ground only that the Board did not meet once in every three months.

Validation of acts and proceedings.

59. In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and served to, and served on the Registrar.

Suits and legal proceedings.

60. The Vice-Chancellor, the Registrar, the Finance Officer, the Deans, the Directors and other employees of the University shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Vice-Chancellor and other Officers, etc., to be public servants.

61. The Government may, by notification, alter, amend or add to the Schedule or omit any college or institution specified in the Schedule and upon the issue of such notification, the Schedule shall be deemed to be amended accordingly.

Power to amend Schedule.

62. (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the appointed date or, as the case may be, the notified date or otherwise in giving effect to the provisions of this Act, the Government may, by notification, make such provision not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such notification shall be issued after the expiry of five years from the appointed date.

(2) Every notification issued under sub-section (1) or under any other provisions of this Act shall, as soon as possible after it is issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed, or the next session, the Assembly makes any modification in any such notification or the Assembly decides that the notification should not be issued, the notification 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 notification.

63. (1) On and from the appointed date, the provisions of the Tamil Nadu Veterinary and Animal Sciences University Act, 1989 (hereinafter in this section referred to as the said Act), shall cease to apply in respect of the colleges and the institutions specified in the Schedule to which this Act applies.

Tamil Nadu Act 42 of 1989 not to apply.

(2) Such ceaser shall not affect,—

(a) the previous operation of the said Act; or

(b) any penalty, forfeiture or punishment, incurred in respect of any offence committed against the said Act; or

(c) any investigation, legal proceeding or remedy in respect of such penalty, forfeiture or punishment, 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.

Central Act
XLV of
1860.

Tamil Nadu
Act 42 of
1989.

(3) Notwithstanding anything contained in sub-section (1), all statutes and regulations made under the said Act and in force on the appointed date, shall, in so far as they are not inconsistent with the provisions of this Act, continue to be in force until they are repealed by the statutes and regulations to be made under this Act.

THE SCHEDULE

[See Sections 1(3), 13 (1) (a) , 61 and 63 (1)]

PART - I.

1. Fisheries College and Research Institute, Thoothukudi.
2. Maritech Research and Extension Centre, Tharuvaikulam, Thoothukudi district.
3. Fisheries Research and Extension Center in Madhavaram Milk Colony, Chennai with the existing Madhavaram lake for the expansion of fisheries activities.
4. Fisheries Training and Research Centre at Parakkai, Kanyakumari district with the existing land.
5. Fisheries Training and Research Component at Thanjavur with the existing land.
6. The Directorate of Research and Extension (Fisheries).

PART II.

Institutions under the Fisheries Department.

1. Staff Training Institute, Chennai.
2. Fisheries Institute of Technology and Training (FITT), Chennai.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 22 OF 2012.

An Act to provide for an enabling and facilitative environment in the State for financing, design, construction, maintenance and operation of Infrastructure projects also through private sector participation, and to provide for an institutional framework for identification, prioritization and implementation of such projects and for matters connected therewith and incidental thereto.

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

CHAPTER – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Infrastructure Development Act, 2012.

Short title,
extent,
application
and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall apply to all Projects of a value exceeding rupees five hundred crore implemented by a public agency:

Provided that the Government may, by general or special order, apply the provisions of this Act, to any public-private partnership project, the project value of which is less than rupees five hundred crore:

Provided further that it shall not apply to any Project undertaken by the Central Government or a public sector undertaking of the Central Government, either independently or as a joint venture with the State Government.

Explanation.—For the purpose of this sub-section, in the case of a public-private partnership project, ‘project value’ means, where the private sector participant is,—

(a) required to make capital investment, the value of the asset or facility to be created including the cost of land, if the cost of the land is to be borne by the private sector participant; or

(b) not required to make capital investment, the current replacement value of the asset or facility, whose operation and maintenance shall be the responsibility of the private sector participant.

(4) 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) “administrative department” means the department of the Secretariat which is administratively concerned with a Project as per the Tamil Nadu Government Business Rules, 1978, and more than one department may also be administratively concerned with a Project;

(b) "Board" means the Tamil Nadu Infrastructure Development Board established under section 3 of this Act;

(c) "concessionaire" means the private sector participant which has entered into a public-private partnership;

(d) "concession agreement" means an agreement entered into between a public agency and a private sector participant for and in respect of a public-private partnership;

(e) "detailed Project study" means a detailed study of the Project made after the preliminary investment decision, in order to ascertain the capital cost, technological parameters, description of the technology to be used, technical specifications, plan schedule to assist the financial investment and the plan for implementation of the Project and such other information as may be prescribed in the regulations;

(f) "feasibility study" means a preliminary study made for investment decision-making, to assess the technical, social, economic and financial viability and the social and environmental impact of a Project including the demand for the services, appropriate technology to be adopted, capital cost, time required for implementation, and such other information as may be prescribed in the regulations;

(g) "Government" means the State Government;

(h) "Government company" means any company in which not less than fifty-one per cent of the paid-up share capital is held by the State Government or Governments and includes a company which is a subsidiary of a Government company as thus defined;

(i) "Infrastructure" means provision of assets or services in any one or more of the sectors specified in Schedule-I;

(j) "Local authority" means any municipal corporation or municipal council or panchayat union council or village panchayat constituted under the relevant law for the time being in force;

(k) "private sector participant" means any person other than a public agency or the Central Government or a public sector undertaking of the Central Government;

(l) "Project" means an Infrastructure Project;

(m) "public-private partnership" means an arrangement between a public agency and a private sector participant for the provision of infrastructure through investment made or through design, development, construction, maintenance or operation undertaken by the private sector participant, where risks are allocated between them such that the private sector participant takes on the risk beyond the stage of design and construction and the payment for the services are performance linked, in the form of user charges, annuities or unitary payment;

(n) "public-private partnership project" means a Project implemented through public-private partnership;

(o) "public agency" means any department of the Government or any public sector undertaking of the Government, a Government Company, Statutory Board formed by the Government, Local authority, Co-operative Institution, State University, any Society or Trust formed, owned or controlled by the Government;

(p) "public financial support" means financial support from the Central Government or the State support or both;

(q) "public sector mode" means implementation of a Project directly by a public agency by its own resources or through the State Budgetary resources;

(r) "regulations" mean the regulations made by the Board under this Act;

(s) "rules" mean the rules made by the Government under this Act;

(t) "Schedule" means a Schedule, appended to this Act;

(u) "sponsoring agency" means the public agency designated by the Board to implement a Project through public-private partnership;

(v) "State support" means the support extended by the Government to a concessionaire, which may include the following:-

(i) subsidy or capital grant not exceeding such proportion of the cost of the Project, as may be prescribed in the rules;

(ii) equity;

(iii) loans;

(iv) guarantee by the Government;

(v) opening and operation of escrow account;

(vi) conferment of right to develop any land;

(vii) incentives in the form of exemption from the payment of, or deferred payment of, any tax or fees levied under any law or such other incentives, as may be prescribed in the rules.

(w) "Tender Act" means the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998);

(x) "user levy" means user charge or fee or any other amount, by whatever name called, payable by the user of an infrastructure facility.

CHAPTER-II.

THE TAMIL NADU INFRASTRUCTURE DEVELOPMENT BOARD.

3. (1) As soon as may be, after the commencement of this Act, the Government may, by notification, establish a Board to be called the Tamil Nadu Infrastructure Development Board with effect from such date as may be specified in the notification.

Establishment of the Tamil Nadu Infrastructure Development Board.

(2) The head quarters of the Board shall be at Chennai.

(3) The Board shall consist of the following members, namely:-

(a) the Chief Minister, who shall be the Chairperson, ex-officio;

(b) the Minister in-charge of Finance, who shall be the Vice-Chairperson, ex-officio;

(c) the Chief Secretary to Government, who shall be the Member-Secretary, ex-officio;

(d) the Secretary to Government, Finance Department, ex-officio;

(e) the Secretary to Government, Public Works Department, ex-officio;

(f) the Secretary to Government, Industries Department, ex-officio;

(g) the Secretary to Government, Municipal Administration and Water Supply Department, ex-officio;

(h) the Secretary to Government, Rural Development and Panchayat Raj Department, ex-officio;

(i) the Secretary to Government, Housing and Urban Development Department, ex-officio;

(j) the Secretary to Government, Law Department, ex-officio;

(k) the Secretary to Government, Revenue Department, ex-officio;

(l) the Secretary to Government, Environment and Forests Department, ex-officio; and

(m) the Chief Executive Officer of the Board, ex-officio.

Meetings of
the Board.

4. (1) The Board shall meet at such time and place and shall observe such rules of procedure in regard to transaction of business at its meetings, including the quorum at such meetings as may be provided in the regulations.

(2) When the Chairperson of the Board, or in his absence the Vice-Chairperson, and in the absence of both the Chairperson and the Vice-Chairperson, any other member chosen by the members present from amongst themselves shall preside over the meeting of the Board.

(3) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and, in the case of any equality of votes, the person presiding shall have a second or casting vote.

(4) The Minister-in-charge of the administrative department and the Secretary to Government of the administrative department shall be the special invitees at the meetings of the Board:

Provided that the Chairperson may allow any person as he deems necessary to be a special invitee.

Proceedings
of the Board
not to be
invalidated.

5. No act or proceedings of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Appointment
of Chief
Executive
Officer,
officers and
staff of the
Board.

6. (1) There shall be a Chief Executive Officer for the Board, in the rank of Secretary to Government in Finance department, appointed by the Government.

(2) The Board may, with the approval of the Government, create such posts and appoint such number of persons as it may require, to carry out its functions and duties under this Act.

(3) The salary, allowances and the conditions of service of the persons appointed under sub-section (2), shall be such as may be prescribed in the regulations.

(4) The Chief Executive Officer of the Board shall exercise the power of supervision and control over all the officers and staff of the Board.

Functions of
the Board.

7. The Board shall,—

(1) act as a nodal agency to co-ordinate the efforts of the Government in regard to the development of the Infrastructure sectors in the State;

(2) identify or conceptualize, prioritize and determine the sequence of Projects

and recommend to the Government a shelf of Projects for implementation in the State;

(3) identify bottlenecks in the Projects and recommend policy initiatives to rectify the same;

(4) formulate policies related to the sectors specified in Schedule I, so as to ensure that Project risks are identified and allocated between the stakeholders;

(5) co-ordinate with the departments concerned and the implementing agencies;

(6) prepare documents including feasibility study reports and detailed Project study reports, internally or through external consultants or experts;

(7) scrutinize, evaluate and prioritize the Projects proposed by a public agency and recommend to the Government for its implementation;

(8) prescribe the form of tender documents for all Projects;

(9) designate the public agency, which shall implement a Project through public sector mode or through a public-private partnership;

(10) approve concession agreements in respect of the Projects identified by the Board;

(11) evaluate and recommend financial support from the Government under the Tamil Nadu Infrastructure Development Fund or from the Central Government;

(12) co-ordinate with the Government, any Government agency and the sponsoring agency in the execution of public-private partnership projects;

(13) manage and utilise the Project Preparation Fund;

(14) promote and oversee, capacity building for project appraisal, project management, procurement, and related areas in Government departments and public agencies; and

(15) perform such other functions as may be entrusted to it by the Government.

8. The Board shall, for the purpose of carrying out its functions under this Act, have the following powers, namely:-

Powers of the Board.

(a) to call upon any public agency or concessionaire or any person to furnish any information in regard to any Project;

(b) to inspect, visit and monitor any Project and its execution, operation and management; and

(c) to regulate its own procedures.

9. (1) There shall be an Executive Committee of the Board. It shall exercise such of the powers and perform such of the functions as may be delegated to it by the Board.

Executive Committee.

(2) The Executive Committee shall consist of the following members, namely:-

(a) the Chief Secretary to Government, who shall be the Chairperson, ex-officio;

(b) the Secretary to Government, Finance Department, ex-officio;

(c) the Secretary to Government, Public Works Department, ex-officio;

(d) the Secretary to Government, Industries Department, ex-officio;

(e) the Secretary to Government, Municipal Administration and Water Supply Department, ex-officio;

(f) the Secretary to Government, Rural Development and Panchayat Raj Department, ex-officio;

(g) the Secretary to Government, Housing and Urban Development Department, ex-officio;

(h) the Secretary to Government, Law Department, ex-officio;

(i) the Secretary to Government, Revenue Department, ex-officio;

(j) the Secretary to Government, Environment and Forests Department, ex-officio;

(k) the Chief Executive Officer of the Board, who shall be the Member-Secretary, ex-officio; and

(l) experts in the fields of banking, finance, economics, commerce, industry, environment, law, technology and the like not exceeding five, as may be nominated by the Chairperson of the Board.

(3) The tenure and the terms and conditions of appointment of the experts shall be as prescribed in the regulations.

Meetings of
the
Executive
Committee.

10. (1) The Executive Committee shall meet at such time and place and shall observe such rules of procedure in regard to transaction of business at its meetings, including the quorum at such meetings as may be provided in the regulations.

(2) When the Chairperson of the Executive Committee is absent, any other member chosen by the members present from amongst themselves shall preside over the meeting of the Executive Committee.

(3) All questions at a meeting of the Executive Committee shall be decided by a majority of the votes of the members present and voting and, in the case of any equality of votes, the person presiding shall have a second or casting vote.

(4) The Secretary to Government of the administrative department shall be the special invitee at the meetings of the Executive Committee.

(5) The Chairperson of the Executive Committee may invite any other person as he may consider necessary to attend a meeting of the Executive Committee.

Proceedings
of the
Executive
Committee
not to be
invalidated.

11. No act or proceedings of the Executive Committee shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Constitution of
Other
Committees.

12. The Board shall have the power to constitute such other committees as it considers necessary and to delegate to them such of their powers as it deems fit. Such Committees shall consist of members of the Board and of such other persons if any, as the Board in each case deems fit.

Fees and
allowances
to non-
official
members
and
invitees.

13. The non-official members of the Board or of any of its committees and the invitees to the meetings of the Board or of any of its committees shall be paid such fees and allowances, as may be prescribed in the rules.

CHAPTER-III.

PROJECT IDENTIFICATION, PRIORITIZATION AND IMPLEMENTATION.

Project
Identification
and
Prioritization.

14. (1) The Board, on its own accord or on a study or survey caused to be conducted or based on inputs received from a third party, on identifying or conceptualizing a Project to be developed, managed and operated in this State, shall seek the views of the public agency concerned thereon:

Provided that if the public agency does not furnish its views within thirty days from the date of receipt of the said communication from the Board, it shall be deemed that the public agency has no views to offer.

(2) Any public agency may also identify or conceptualize a Project to be developed, managed and operated in this State and send proposal therefor to the Board for its recommendation. The Board shall scrutinize, evaluate and where more than one such proposal is received, prioritize the same.

(3) The Board, on receipt of the views of the public agency under sub-section (1) or proposal from any public agency under sub-section (2), shall examine the same with reference to the following factors, namely:-

(i) the cost-benefit analysis of the Project including the socio-economic cost-benefit;

(ii) the cost effectiveness of implementation through public-private partnership with a value for money test, as may be prescribed in the regulations;

(iii) the possibility of specifying Project performance parameters and measuring their outcomes;

(iv) the risk sharing possibilities with the private sector participant;

(v) the technological and managerial advantages that may accrue due to private sector participation; and

(vi) the socio-economic factors which may affect investment by the private sector participant.

(4) The Board, shall cause the feasibility study and after satisfying itself as to the feasibility of the proposed Project, recommend the same to the Government, indicating specifically as to whether it may be implemented through public sector mode or through public – private partnership.

(5) The Board shall cause the details of projects recommended under sub-section (4), to be published on its website and on such other websites, as may be prescribed in the rules:

Provided that the Board may, for reason to be recorded in writing, choose not to publish the details of a Project.

(6) On receipt of proposal for implementation of the Project under sub-section (4), the Government shall consider the same and communicate its decision on the implementation of the Project including the mode of its implementation, to the Board ordinarily within thirty days.

15. (1) In respect of a Project decided by the Government to be implemented through public sector mode, the Board shall designate the public agency which shall implement that Project, give direction for its implementation and monitor the progress of implementation.

Project
Implemen-
tation
through
public
sector
mode.

(2) If the public agency does not commence the Project within three months from the date of receipt of such direction or expresses its inability to implement the Project, for any reason recorded in writing, the Board with the approval of the Government shall re-examine the Project as in sub-section (3) of section 14 and make a fresh recommendation to the Government.

16. In respect of Projects decided by the Government to be implemented through public-private partnership, the Board shall cause the sponsoring agency to publish the details of the proposed project in such form and in such manner, as may be prescribed in the regulations, inviting objections and suggestions. The sponsoring agency shall, based on the objections and suggestions, if any, received, prepare and submit a report to the Board within such period, as may be prescribed in the regulations.

Project
implemen-
tation
through
public-
private
partnership.

Detailed
Project
study and
Project
structuring.

17. The Board, on receipt of the report from the sponsoring agency under section 16, shall consider in consultation with the administrative department and after causing the detailed Project study, if it considers necessary, finalise the scope and structure of the Project, either in its original form or with such modification, as it deems fit, also taking into account, the following aspects, namely:-

(a) whether the Project needs any public financial support, and if so, the appropriate form of such support;

(b) the tender criteria or variables relevant for evaluation of the tender; and

(c) the appropriate concession agreement or a combination thereof, from out of those listed in Schedule II.

Procuring
entity for
Projects.

18. (1) Every public agency designated by the Board to implement a Project shall be a procuring entity under the Tender Act:

Tamil Nadu
Act 43 of
1998.

Provided that the Board may, for any class of Project as may be prescribed in the rules, be the procuring entity under the Tender Act.

(2) No procurement under this Act shall be made by the procuring entity except by tender, following the provisions contained in the Tender Act.

(3) The tender documents shall be in the form and manner as may be prescribed in the regulations:

Provided that for any class of Project as may be prescribed in the regulations, the procuring entity shall submit the tender documents for prior approval of the Board.

(4) The procuring entity shall, in respect of Projects identified by the Board, intimate the name and address of the tenderer whose tender has been accepted, to the Board and shall also obtain its approval on the concession agreement to be entered into with such tenderer.

Appointment
of Project
Manager
and
Experts.

19. (1) The Board may, if it considers necessary, shall direct the sponsoring agency to appoint a person, who has knowledge and experience in the working of public-private partnership modes and processes, for such period as may be prescribed in the regulations, as Project Manager for a public-private partnership Project. The Project Manager, so appointed shall be responsible for the management and tendering of the Project.

(2) A public-private partnership project for which a Project Manager is appointed, the sponsoring agency shall, make available the services of the officers serving in that agency who possess expertise in the fields of risk management, contingency planning, quality assurance and performance management, public sector accounting and financial management, to assist the Project Manager:

Provided that, if expert in a field is not available within the sponsoring agency, the agency may engage the services of a practicing consultant.

Project
Management
Facility.

20. The Government may, by notification, constitute an agency with such number of members, with such qualification, as may be prescribed in the regulations to be called the Project Management Facility for the management and supervision of any Project. The Project Management Facility shall exercise such powers and perform such functions, as may be prescribed in the regulations.

Monitoring of
Project
Implementa-
tion.

21. (1) The Board shall monitor the implementation of all Projects including the enforcement of concession agreements.

(2) The Board may, for the said purpose,-

(a) require the submission of periodical or special reports from the sponsoring agency, in such form and manner, as may be prescribed in the regulations;

(b) give directions to the sponsoring agency to maintain project documentation in such form and manner, as may be prescribed in the regulations; and

(c) give such other directions to the sponsoring agency as it deems fit.

(3) The Board may make recommendations to the Government for corrective actions where projects appear to be failing to achieve their objectives.

22. (1) The Government may levy infrastructure cess at such rates and for such period, as may be prescribed in the rules.

Infrastructure
cess, user
charges and
fees.

(2) The Board may levy user charges on the users of the infrastructure facility and fees for the services rendered, at such rates, as may be prescribed in the rules.

23. The Board may levy abuser charge at such rate, as may be prescribed in the rules, on any concessionaire for abuse of any right accorded in the concession agreement:

Abuser
charge.

Provided that no such abuser charge shall be levied unless the concessionaire is given a reasonable opportunity of showing cause against such levy.

CHAPTER-IV.

FINANCE, ACCOUNTS AND AUDIT.

24. (1) The Government shall, by notification, constitute a Fund to be called the Tamil Nadu Infrastructure Development Fund with an initial corpus of such amount, as may be specified in that notification.

Tamil Nadu
Infrastructure
Development
Fund.

(2) The Fund may be credited with the grants made by the Government from time to time for the purpose and the amount collected as infrastructure cess.

(3) The Fund may also be credited with the contributions received from public bodies, multilateral lending agencies or other financial institutions.

(4) The Fund may, with the recommendation of the Board, be utilised for providing financial support to facilitate design, development, working, administration, management of Projects. The Fund may also be utilised for such other purposes, as may be prescribed in the rules.

(5) The Fund shall be managed and utilised by the Government in such manner, as may be prescribed in the rules.

25. (1) The Government shall, by notification, constitute a Fund to be called the Project Preparation Fund with an initial corpus of such amount, as may be specified in that notification.

Project
Preparation
Fund.

(2) The Fund may be credited with the grants made by the Government from time to time for the purpose and the amount collected as fees, user charges and abuser charges.

(3) The Fund may, with the prior concurrence of the Government, also be credited with the contributions received from public bodies, multilateral lending agencies or other financial institutions.

(4) The Fund may be utilised to provide financial support for conducting studies, hiring the services of experts and consultants, preparing feasibility studies, detailed project studies, capacity building, research and for such other purposes, as may be prescribed in the rules.

(5) The Fund shall be managed and utilised by the Board in such manner, as may be prescribed in the rules.

26. (1) The accounts of the Board shall be maintained in such manner and in such form, as may be prescribed in the rules.

Accounts and
audit.

(2) The Board shall prepare an annual statement of accounts in such form, as may be prescribed in the rules.

(3) The accounts of the Board shall be audited once in a year by a person duly qualified to act as an auditor of a company under section 226 of the Companies Act, 1956.

(4) The accounts of the Board as certified by the auditor together with audit report along with the remarks of the Board thereon shall be forwarded to the Government within such time, as may be prescribed in the rules.

(5) The Government may, by order, direct the Board to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defects, if any, disclosed in the audit report, and the Board shall comply with such direction.

Annual report.

27. (1) The Board shall, as soon as may be, after the end of each financial year, prepare and submit to the Government, before such date and in such form, as may be prescribed in the rules, a report giving an account of its activities during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the current financial year.

(2) The Government shall cause every such report to be laid before the Legislative Assembly, as soon as may be, after its receipt under sub-section (1).

CHAPTER-V.

MISCELLANEOUS.

Members,
officers and
employees
of the Board
to be public
servants.

28. The Chairperson, Vice-Chairperson, Members, Member – Secretary and officers and employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, or any rule 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.

Protection of
action taken
in good
faith.

29. No suit or other legal proceedings shall lie against the Government, the Board or any member thereof or any officer or employee or person acting under the direction of the Government or the Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation or order or direction made or issued under this Act.

Power to
make Rules.

30. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the websites in which the list of Projects recommended by the Board for implementation under section 14 shall be published;

(b) the proportion of the cost of Project that may be provided as subsidy by the Government;

(c) incentives that may be provided to a concessionaire as State support;

(d) the tenure of experts in the Executive Committee and the terms and conditions of their appointment;

(e) the fees and allowances payable to the non-official members of the Board or of any of its committees and to the special invitees to the meetings of the Board or of any of its committees;

(f) the class of Projects for which the Board shall be the procuring entity under the Tender Act;

(g) the rate and period for which Infrastructure cess may be levied;

(h) the rates at which the Board may levy fees, user charges and abuser charge;

(i) the purposes for which the Tamil Nadu Infrastructure Development Fund and the Project Preparation Fund shall be utilised;

(j) the manner in which the Tamil Nadu Infrastructure Development Fund and the Project Preparation Fund shall be managed and utilised;

(k) the manner and form in which accounts shall be maintained by the Board;

(l) the form in which the annual statement of accounts of the Board shall be prepared;

(m) the time limit within which the accounts and the audit report shall be forwarded by the Board to the Government;

(n) the form of the Annual report and the time limit within which it shall be submitted by the Board to the Government;

(o) any other matter which is to be, or may be, provided for in the rules.

31. (1) The Board may make regulations consistent with the provisions of this Act and the rules made thereunder.

Power to
make
regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the information that may be assessed or ascertained through feasibility study and detailed Project study;

(b) the posts, that may be created for appointment of officers and staff of the Board, their salary, allowances and conditions of service;

(c) the form and manner of tender documents and the class of Projects in respect of which, the tender documents require prior approval of the Board;

(d) the time and place of meetings of the Board and of the Executive Committee, the procedure to be followed in regard to the transaction of business at such meetings and the quorum at such meetings;

(e) the 'value for money test' to ascertain the cost of implementation of a Project through public sector mode and through public-private partnership, in order to compare and adopt the mode of implementation, which is cost effective;

(f) the form and manner in which the details of the proposed Project shall be published by the sponsoring agency under section 16;

(g) the period within which the sponsoring agency shall submit a report to the Board under section 16;

(h) period of experience for appointment as Project Manager;

(i) the number of members of the Project Management Facility, their qualifications, powers and functions;

(j) the form and manner of submission of periodical and special reports by the sponsoring agency to the Board under section 21;

(k) any other matter which is to be, or may be provided for in the regulations.

32. The Government may, by notification, in the *Tamil Nadu Government Gazette* amend any of the Schedules to this Act.

Power to
amend
Schedules.

33. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification, make such provision not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for the purpose of removing the difficulty:

Power to
remove
difficulties.

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

34. The Government may, by notification, exempt any Project from all or any of the provisions of this Act, for reasons to be recorded.

Power to
exempt.

Publication of
rules,
regulations
and
notifications
and placing
them before
the
Legislature.

35. (1) (a) All rules or regulations made or notifications issued under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular date, shall come into force on the date on which they are so published.

(2) Every rule or regulation made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees in making any modification in any such rule or regulation or notification or the Legislative Assembly agrees that the rule or regulation or notification should not be made or issued, the rule or regulation or notification 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 rule or regulation or notification.

Act to
override
other State
laws.

36. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other State law for the time being in force.

SCHEDULE - I.

[See section 2 (i)]

SECTORS.

- (1) Agriculture Infrastructure including Marketing and Post harvest infrastructure.
- (2) Development of Minor Minerals.
- (3) Drinking and Industrial Water supply systems, Desalination Plants.
- (4) Education related Infrastructure.
- (5) Fisheries.
- (6) Gas and Gas Works.
- (7) Health Infrastructure.
- (8) Housing including Slum Development and Development of Satellite towns.
- (9) Industrial Estates including Industrial Parks and Special Economic Zones.
- (10) Information and Communication Technology related Projects.
- (11) Inland Waterways other than National Waterways.
- (12) Irrigation including Dams, Irrigation Structures, Canals.
- (13) Land Reclamation Projects.
- (14) Ports (other than major ports) and Harbours thereof.
- (15) Power Generation, Transmission and Distribution Systems.
- (16) Roads, Bridges, including Rail over and under Bridges and By-passes.
- (17) Solid Waste Management.
- (18) Sports & Recreation Infrastructure.
- (19) Tourism and Hospitality Projects.
- (20) Urban Transportation System, Bus terminals, multi level parking facilities.
- (21) Waste Water, Sewerage treatment systems

SCHEDULE – II.

[See section 17]

NATURE OF CONCESSION AGREEMENTS.

1. Investment or Financing related Agreements.

(i) Build-Operate-and-Transfer (BOT) – A contractual arrangement whereby the concessionaire undertakes the construction, including financing, of a given infrastructure facility, and the operation and maintenance thereof. The concessionaire operates the facility over a fixed term during which they are allowed to charge the users appropriate tolls, fees, rentals and charges as incorporated in the contract to enable the recovery of investment in the Project. The concessionaire transfers the facility to the Government at the end of the fixed term that shall be specified in the Concession agreement.

(ii) Build-Own-and-Operate (BOO) – A contractual arrangement whereby the concessionaire is authorized to finance, construct, own, operate and maintain an infrastructure or development facility from which the concessionaire is allowed to recover the total investment by collecting user levies from facility users. The ownership of the land will be vested with the Government. Under this mode, the concessionaire owns the assets of the facility and may choose to assign its operation and maintenance to a facility operator. The transfer of the facility to the Government is not envisaged in this structure; however, the Government may terminate its obligations after the specified time period.

(iii) Build-Own-Operate-Transfer (BOOT) – A contractual arrangement whereby the concessionaire is authorised to finance, construct, maintain and operate a Project and whereby such Project is to vest in the concessionaire for a specified period. During the operation period, the concessionaire will be permitted to charge user levies specified in the Concession agreement, to recover the investment made in the Project. The concessionaire is liable to transfer the Project to the Government after the expiry of the specified period of operation.

(iv) Build-Transfer-and-Operate (BTO) – A contractual arrangement whereby the Government contracts out an infrastructure facility to the concessionaire to construct the facility on a turn-key basis, assuming cost overruns, delays and specified performance risks. Once the facility is commissioned satisfactorily, the concessionaire is given the right to operate the facility and collect user levies specified in the Concession agreement. The title of the facilities always vests with the Government in this arrangement.

(v) Design-Build-Finance-Operate-Transfer (DBFOT) - A contractual arrangement whereby the concessionaire is bestowed with the responsibility of designing, building, financing and operating the facility before transferring the Project to the Government after the expiry of the specified period. The concessionaire operates the facility over a fixed term during which they are allowed to charge the users appropriate tolls, fees, rentals and charges as incorporated in the contract to enable the recovery of investment in the Project.

2. Operations and Maintenance related Agreements.

(i) Management Agreement – A contractual arrangement whereby the Government entrusts the operation and management of a Project to the concessionaire for the period specified in the agreement on payment of specified consideration. In such agreement, the Government may charge the user levies and collect the same either by itself or entrust the collection for consideration to any concessionaire who shall after collecting the user levies, pay the same to the Government.

(ii) Lease Management Agreement – A contractual arrangement whereby the Government leases a Project owned by it to the concessionaire which is permitted to operate and maintain the Project for the period specified in the contract. The concessionaire is allowed to charge the users appropriate fees, rentals and

charges as specified in the agreement to enable the recovery of investment in the Project.

(iii) Build-Lease-and-Transfer (BLT) – A contractual arrangement whereby the concessionaire undertakes to finance and construct the Project and on its completion hands it over to the Government. The Government then gives the facility to the same operator on a lease arrangement for a fixed period, after which ownership of the facility is automatically transferred to the Government.

(iv) Rehabilitate-Operate-and-Transfer (ROT) – A contractual arrangement whereby an existing facility is handed over to the concessionaire to invest, refurbish, operate and maintain for a period, at the expiry of which the facility is returned to the Government. The concessionaire operates the facility over a fixed term during which they are allowed to charge the users appropriate fees, rentals and charges as specified in the contract to enable the recovery of investment in the Project.

(v) Rehabilitate-Own-and-Operate (ROO) – A contractual arrangement whereby an existing facility is handed over to the concessionaire to invest, refurbish, operate and maintain the development facility from which the concessionaire is allowed to recover the total investment by collecting user levies from facility users. The ownership of the land shall be vested with the Government. The transfer of the facility to the Government is not envisaged in this arrangement; however, the Government may terminate its obligations after a specified time period.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 23 OF 2012.

An Act further to amend the Tamil Nadu Value Added Tax Act, 2006.

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Fifth Amendment) Act, 2012.

Short title and commencement.

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

Tamil Nadu
Act 32 of
2006.

2. In the Tamil Nadu Value Added Tax Act, 2006 (hereinafter referred to as the principal Act), in section 2, after clause (4), the following clause shall be inserted, namely:—

Amendment of section 2.

“(4-A) “Assessment” means an assessment made or deemed to have been made under this Act and includes a re-assessment or revision of assessment;”.

3. For section 21 of the principal Act, the following section shall be substituted namely:—

Substitution of section 21.

“21. **Filling of Returns.**— Every dealer, registered under this Act, shall file return, in the prescribed form showing the total and taxable turnover within the prescribed period, in the prescribed manner along with the prescribed documents and proof of payment of tax. The tax under this section shall become due without notice of demand to the dealer on the last date of the period for filling return as prescribed.”.

4. In section 22 of the principal Act,—

Amendment of section 22.

(1) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Deemed assessment and Procedure to be followed by assessing authority.”;

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The assessing authority shall accept the returns submitted for the year, by the dealer, if the returns are in the prescribed form and accompanied with the prescribed documents and proof of payment of tax. Every such dealer shall be deemed to have been assessed for the year on the 31st day of October of the succeeding year:

Provided that in respect of such returns submitted for the years 2006-2007, 2007-2008, 2008-2009, 2009-2010 and 2010-2011, on which assessment orders are not passed shall be deemed to have been assessed on the 30th day of June 2012.”;

(3) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) If no return is submitted by the dealer for any period of the year or if the return filed is incomplete or incorrect, or if not accompanied with any of the documents prescribed or proof of payment of tax, the assessing authority shall, after making such enquiry as it may consider necessary, assess the dealer to the best of its judgment, subject to such conditions as may be prescribed, after the completion of that year:

Provided that before taking action under this sub-section, the dealer shall be given a reasonable opportunity of being heard.”;

(4) for sub-section (5) including the proviso thereunder, the following sub-section including the proviso and the Explanation shall be substituted, namely:-

“(5) In addition to the tax assessed under sub-section (4), the assessing authority shall, in the order of assessment passed under sub-section (4) or by a separate order, direct the dealer to pay by way of penalty, a sum which shall be, one hundred and fifty percent of the difference of the tax assessed and the tax already paid as per the returns:

Provided that no penalty under this sub-section shall be imposed after the period of six years from the date of assessment order unless the dealer affected has had a reasonable opportunity of showing cause against such imposition.

Explanation.- For the purpose of levy of penalty under this sub-section, the tax assessed on the following kinds of turnover shall be deducted from the tax assessed under sub-section (4):-

(i) Any turnover representing additions to the turnover as per the returns made by the assessing authority without reference to any specific concealment of turnover;

(ii) Any turnover estimated by the assessing authority with reference to any specific concealment of turnover as per the returns;

(iii) Any turnover on which tax is paid at the concessional rate subject to the condition of furnishing any declaration but where such declaration could not be furnished at the time of assessment.”.

Amendment of
section 25.

5. In section 25 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) If any dealer who is liable to pay tax under this Act fails to submit return within the prescribed period, or if the return submitted by him appears to the assessing authority to be incomplete or incorrect, the assessing authority may, after making such enquiry as it considers necessary, determine provisionally the tax payable by the dealer to the best of its judgment.”.

Amendment of
section 27.

6. In section 27 of the principal Act,—

(1) in sub-section (1),-

(i) in clause (a), for the expression “five years from the date of assessment order by the assessing authority”, the expression “six years from the date of assessment” shall be substituted;

(ii) in clause (b), for the expression “five years from the date of order of assessment by the assessing authority”, the expression “six years from the date of assessment” shall be substituted;

(2) in sub-section (2), for the expression “five years from the date of order of assessment”, the expression “six years from the date of assessment” shall be substituted;

Amendment of
section 28.

7. In section 28 of the principal Act, in sub-section (1), for the expression “five years from the date of order of assessment by the assessing authority”, the expression “six years from the date of assessment” shall be substituted.

8. In section 40 of the principal Act, in the first proviso to sub-section (2), for the expression "five years from the date of order of the assessment", the expression "six years from the date of assessment" shall be substituted.

Amendment of
section 40.

9. In section 53 of the principal Act,-

Amendment of
section 53.

(1) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The Joint Commissioner may, of his own motion, call for and examine any assessment deemed to have been made under sub-section (2) of section 22 or an order passed or proceeding recorded by the appropriate authority under sub-sections (4), (5) and (6) of section 22 or sections 24, 25, sub-sections (1), (2), (3) and (4) of section 27, section 28 or section 29, and if such assessment or order or proceeding recorded is prejudicial to the interests of revenue, may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Act, may initiate proceedings to revise, modify or set aside such assessment or order or proceeding and may pass such order thereon as he thinks fit.";

(2) in sub-section (2), for clause (c), the following clause shall be substituted, namely:-

"(c) more than six years have expired after the date of assessment:".

10. In section 55 of principal Act,-

Amendment of
section 55.

(1) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) The Additional Commissioner may, of his own motion, call for and examine any assessment deemed to have been made under sub-section (2) of section 22 or an order passed or proceeding recorded by the appropriate authority under sub-sections (4), (5) and (6) of section 22 or sections 24, 25, sub-sections (1), (2), (3), and (4) of section 27, section 28 or section 29 or an order passed by the joint Commissioner under sub-section (1) of section 53 or sub-section (3) of section 54 and if such assessment or order or proceeding recorded is prejudicial to the interests of revenue, may make such inquiry or cause such inquiry to be made and, subject to the provision of this Act, may initiate proceedings to revise, modify or set aside such assessment or order or proceeding and may pass such order thereon as he thinks fit.";

(2) in sub-section (2), for clause (c), the following clause shall be substituted, namely:-

"(c) more than six years have expired after the date of assessment:".

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 24 of 2012.

THE TAMIL NADU HERITAGE COMMISSION ACT, 2012.

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- 23. Members and Employees of the Commission to be public servants.
- 24. Protection of action taken in good faith.
- 25. Act to override other laws.
- 26. Power to make rules.
- 27. Power to make regulations.
- 28. Power to remove difficulties.

An Act to constitute a Heritage Commission in the State and for matters connected therewith and incidental thereto.

WHEREAS Tamil Nadu is known for its rich heritage and cultural properties and it is needless to emphasise that these have to be preserved and protected at all costs and for the posterity;

AND WHEREAS, it is necessary to protect the buildings or premises not covered under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (Central Act 24 of 1958) and the Tamil Nadu Ancient Monuments and Archaeological Sites and Remains Act, 1966 (Tamil Nadu Act 25 of 1966);

AND WHEREAS, it is necessary to constitute a Statutory Authority to advise in the matters relating to identification, restoration and preservation of heritage building and in the matters relating to the development and engineering operations which are likely to affect any heritage building;

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

CHAPTER-I

PRELIMINARY

1. (1). This Act may be called the Tamil Nadu Heritage Commission Act, 2012.

Short title and commencement.

(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) “building” includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial, cultural or other purposes whether in actual use or not;

(b) “building operations” includes rebuilding operations, structural alterations of or additions to buildings or other operations normally undertaken in connection with the construction of buildings;

(c) “Chairman” means the Chairman of the Commission;

(d) “Commission” means the Tamil Nadu Heritage Commission constituted under section 3;

(e) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in or over or under land or the making of any material change in any building or land, and includes re-development;

(f) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of means of water supply or drainage;

(g) “Government” means the State Government;

(h) “heritage building” means any building or one or more premises or any part thereof which requires preservation and conservation for historical, architectural, environmental or cultural importance and includes such portion of the land adjoining such building or any part thereof as may be required for fencing or covering or otherwise preserving such building and also includes the areas and buildings requiring preservation and conservation for the purposes as aforesaid;

(i) "local authority" means any municipal corporation or municipal council or panchayat union council or village panchayat constituted or to be constituted under the relevant law for the time being in force;

(j) "member" means a member of the Commission;

(k) "monuments of heritage importance" means any building, structure, erection, monolith, monument, mound, tumulus, tomb, place of interment, cave, sculpture, inscription on an immovable object or any part or remains thereof, or any site, which the Government, by reason of its heritage association, considers it necessary to protect against destruction, injury, alteration, mutilation, defacement, removal, dispersion or falling in to decay;

(l) "notification" means a notification published in the *Tamil Nadu Government Gazette*;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "public amenity" includes road, water supply, street lighting, drainage, sewerage, public works or such other convenience as the Government may, by notification, in the Tamil Nadu Government Gazette, specify to be a public amenity for the purposes of this Act;

(o) "regulation" means a regulation made by the Commission;

(p) "rules" means rules made by the Government under this Act.

CHAPTER-II

CONSTITUTION OF THE TAMIL NADU HERITAGE COMMISSION

Constitution
of the
Commission.

3. (1) The Government shall, by notification, constitute a body to be known as the Tamil Nadu Heritage Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall, by the said name, sue or be sued.

Composition of
the
Commission.

4. (1) The Commission shall be chaired by an eminent person with concern and commitment for Heritage Conservation to be nominated by the Government and shall consist of not more than sixteen members, as follows:—

(a) the Secretary to Government in-charge of Tourism and Culture, ex-officio;

(b) the Secretary to Government in-charge of Housing and Urban Development, ex-officio;

(c) the Secretary to Government in-charge of Municipal Administration and Water supply, ex-officio;

(d) the Secretary to Government in-charge of Rural Development and Panchayat Raj, ex-officio;

(e) the Secretary to Government in-charge of Law Department, ex-officio;

(f) The Commissioner of Museum, Chennai, ex-officio;

(g) the Superintending Archaeologist, Archaeological Survey of India, Chennai circle, ex-officio;

(h) the Commissioner of Archaeology, Chennai, ex-officio;

(i) the Director, School of Architecture and Planning, Anna University, ex-officio;

- (j) the Director of Environment, ex-officio;
- (k) the Chief Engineer (Buildings), Public Works Department, Chennai, ex-officio;
- (l) the Senior Architect from Public Works Department, Chennai, ex-officio;
- (m) one person nominated by the Government, who is conversant with Archaeology;
- (n) one representative from Indian National Trust for Art and Cultural Heritage;
- (o) one person nominated by the Government from any Non Government Organisation involved in Heritage Management and cultural affairs;
- (p) a nominee of the Institute of Town Planners (India), Tamil Nadu Region;

(2) The Government shall, in consultation with the Commission, appoint a Secretary of the Commission who shall hold office for such period as may be prescribed:

Provided that the first appointment of the Secretary may be made by the Government without consultation with the Commission.

(3) The terms and conditions of service of the Secretary shall be such as may be prescribed.

5. A person shall be disqualified for being appointed as Chairman or as a member of the Commission, if—

Disqualification
for
members.

- (a) he is of unsound mind;
- (b) he is an applicant to be adjudicated as an insolvent or is an undischarged insolvent;
- (c) he has been sentenced for any offence involving moral turpitude, punishable under any law with imprisonment, such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence;
- (d) he is a paid officer or employee of the Commission; or
- (e) he incurs such other disqualifications as may be prescribed by the Government.

6. (1) The Chairman and every member of the Commission shall hold office for a term of three years and shall be eligible for re-appointment for a further period of three years.

Term of office
and
conditions
of service
of the
Chairman
and
members.

(2) The Chairman or the member may, at any time, by writing under his hand addressed to the Government, resign from the office of Chairman or member, as the case may be, but shall continue in office until his resignation is accepted by the Government.

(3) The honorarium and allowances payable to, and the other terms and conditions of service of, the Chairman and members shall be such as may be prescribed.

(4) Notwithstanding anything contained in sub-section (1), the Government shall remove a person from the office of Chairman or any member, if that person-

- (a) becomes an undischarged insolvent;
- (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission;
- (f) in the opinion of the Government, has so abused the position of Chairman or member, as the case may be, as to render that person's continuance in office detrimental to the public interest:

Provided that no member shall be removed from office under this sub-section until that member has been given a reasonable opportunity of being heard in the matter.

(5) A vacancy caused under sub-section (2) or sub-section (5) or otherwise shall be filled by fresh nomination by the Government and the person so nominated shall hold office for the remainder of the term of office of the person in whose vacancy such person has been nominated would have held office, if the vacancy had not occurred:

Provided that if a vacancy of a member, other than that of the Chairman, occurs within six months preceding the date on which the term of office of the member expired, such vacancy shall not be filled in.

Explanation.—For the purpose of this section, "member" does not include the ex-officio member and the "Secretary".

Meetings of the
Commission.

7. 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:

Provided that the Commission shall meet at least once in three months.

Vacancies
etc. not to
invalidate
proceedings
of the
Commission.

8. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Commission, or any defect in the nomination of a person acting as the Chairman or a member or any irregularity in the procedure of the Commission, including in issuing of notice for holding of a meeting, not affecting merits of the matter.

Temporary
Association
of persons
with the
Commission
for
particular
purpose.

9. (1) The Commission may associate with itself in such manner and for such purposes as may be determined by regulations, any person whose assistance for advice it may desire.

(2) A person associated with for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Commission.

10 (1) The Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Commission shall be such as may be prescribed.

(3) The officers and employees referred to in sub-section (1) shall be under the administrative control of the Chairman.

(4) All orders and decisions and other instruments of the Commission shall be authenticated by the signature of the Secretary or any other officer of the Commission duly authorized by it in this behalf.

CHAPTER-III

POWERS AND FUNCTIONS OF COMMISSION.

11. (1) Notwithstanding anything contained in any other law for the time being in force, all local authorities shall refer anything related to identification, restoration and preservation of any heritage building or any other development or any engineering operation which is likely to affect preservation of any heritage building for advice.

Powers and Functions of the Commission.

(2) Subject to the provisions of sub-section (1), the functions of the Commission shall be,—

(a) to advise the Government on preparing a classification of buildings in certain grades of heritage buildings after scrutinising applications and proposals received, including supplementing the existing list of buildings as well as all other matters relating to heritage conservation;

(b) to advise the Government on any alteration, modification or relaxation of any law for the time being in force for development, control and conservation of any heritage building;

(c) to advise Government whether to allow commercial or other use of heritage buildings and if so, when to prohibit such use;

(d) to advise the Government on framing of special regulations for such heritage buildings as may be listed by the Government;

(e) to advise the Government on guidelines to be adopted by private parties who sponsor beautification schemes in this State;

(f) to advise the Government on the penal measures for defacing or destroying a heritage building;

(g) to advise the Government and the local authorities on the making of provision for restoration of heritage buildings;

(h) to advise the Government and the local authorities on documentation of records of heritage buildings;

(i) to advise the Government on the steps to involve public opinion in mobilisation of efforts for creating awareness, preserving or maintaining heritage, and the consciousness of its visible architectural and natural evidences, so as to foster the creation of a popular mandate for heritage preservation;

(j) to advise the local authorities, where necessary, on the policy of the grant of any certificate of right of development of any heritage building;

(k) to advise the local authorities to regulate the installation of advertisement and display structure in respect of heritage buildings;

(l) to advise the local authorities on the cost of repair of heritage buildings and the policy to be adopted for raising repair-funds from private sources;

(m) to advise the local authorities to prepare special designs and guidelines for heritage buildings controlling the height and essential characteristics and to suggest other aspects of conservation and restoration;

(n) to advise the local authorities on the provision of incentive by exemption from payment of rates or taxes or fees for supply of water or any other charge in respect of heritage buildings;

(o) to advise the Government on any other matter relating to restoration or preservation of building of heritage importance as may be entrusted by the Government to the Commission.

(3) Notwithstanding anything contained in any other law for the time being in force, no local authority shall take any step for identification, preservation, conservation or restoration of any heritage building, not consistent with the determination or advice of Commission.

Appeal to
Government.

12. If any local authority is aggrieved by any advice of the Commission in respect of any building operation, engineering operation or development proposal referred to the Commission under sub-section (1) of section 11, such local authority may, within sixty days from the date of advice by the Commission, prefer an appeal to the State Government, and the State Government may pass such order thereon as it deems fit.

Revision.

13. (1) Nothing contained in this Act shall preclude the Government from calling for and examining, on its own motion, if the Government consider it necessary to do so in the public interest, any case of advice by the Commission under sub-section (1) of section 11 and passing such order thereon as it think fit:

Provided that no such order shall be made prejudicially affecting any local authority, except after giving it an opportunity of making a representation in the matter.

(2) The decision of the Government in an appeal under section 12 or revision under this section shall be final and binding and shall not be questioned in any court of law.

Powers
relating to
inquiries.

14. The Commission while inquiring into any matter under this Act shall have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters:—

- (a) summoning and enforcing the attendance of any person and examining him;
- (b) requiring discovery and production of any documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copies thereof from any office;
- (e) any other matter which may be prescribed.

State
Government
and local
authority to
accept, and
to take
action in
accordance
with the
advise of the
Commission.

15. (1) Subject to the other provisions of this Act, the Government and every local authority shall accept every advice of the Commission to the Government or the local authority, as the case may be and shall take action for prompt and effective implementation of such advise.

(2) The Government may for the purposes of sub-section (1) give such directions to a local authority as it may deem fit and thereupon such local authority shall act according to the directions as aforesaid.

CHAPTER-IV

FUND, ACCOUNTS AND AUDIT.

16. (1) The Government shall pay to the Commission by way of grants such sums of money as the Government may think fit for being utilized for the purposes of this Act.

Grants by the Government.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act.

(3) The honorarium and allowances payable to the Chairman and members and the administrative expenses, including salaries, allowances and pensions payable to the Secretary and to the officers and other employees referred to in section 10 shall be paid out of the grants referred to in sub-section (1).

17. (1) The Commission shall have its own fund, and all sums which may, from time to time, be paid to it by the Government and all the receipts of the Commission including any sum which the Central Government or any other authority or person may handover to the Commission shall be credited to such fund.

Fund of the Commission.

(2) All expenditure incurred by the Commission under, or for the purposes of this Act shall be defrayed from out of the said fund and any surplus remaining, after such expenditure has been met, shall be invested in such manner as may be prescribed.

(3) All moneys in the fund shall be deposited in such bank, or invested in such manner, as may subject to the approval of the State Government, be decided by the Commission.

(4) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Commission.

18. The Commission shall prepare in such form and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipt and expenditure and a copy of the budget shall be forwarded to the Government.

Budget of the Commission.

19. (1) The accounts of the Commission shall be maintained in such manner and in such form as may be prescribed. The Commission shall prepare an annual statement of accounts in such form as may be prescribed.

Annual accounts and audit.

(2) The accounts of the Commission shall be audited annually by such auditor as the Government may appoint in this behalf.

(3) The auditor appointed under sub-section (2) shall, for the purposes of audit, have such rights, privileges and authority as may be prescribed.

(4) The Secretary to the Commission shall cause the audit report to be printed and forward a printed copy thereof, to each member and shall place such report before the Commission for consideration at its next meeting.

(5) The Commission shall take appropriate action forthwith to remedy any defect or irregularity that may be pointed out in the audit report.

(6) The accounts of the Commission as certified by the auditor together with the audit report along with the remarks of the Commission thereon shall be forwarded to the Government within such time as may be prescribed.

(7) The Government may, by order in writing, direct the Commission to take such action as may be specified in the order to remedy, within such time as may be specified therein, the defect, if any, disclosed in the Audit report, and the Commission shall comply with such direction.

Annual report.

20. The Commission shall, as soon as may be, after the end of each financial year, prepare and submit to the Government, before such date and in such form as may be prescribed, an annual report giving an account of its activities, during the previous year and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Commission in the next financial year and the Government shall cause every such report to be laid before the Legislative Assembly as soon as may be after its receipt.

Returns and information.

21. The Commission shall furnish to the Government such returns or other information with respect to its fund or activities as the Government, may, from time to time require.

CHAPTER-V

MISCELLANEOUS

Delegations.

22. The Commission may, by general or special order, delegate to Chariman, any member or officer of the Commission, subject to such conditions, as may be specified in the order, any of its powers and functions as it may deem necessary.

Members and employees of the Commission to be public servants.

23. The Chairman, members, the 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 any rule or regulation or order or direction made or issued under this Act, to be public servant within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

24. No suit, prosecution or other legal proceedings shall lie against any member of the Commission or officer or other employee of the Commission or any person acting under the direction of the Government or of the Commission, in respect of anything which is done in good faith or intended to be done in pursuance of this Act or any rule, regulation, order or direction made or issued under this Act.

Act to override other laws.

25. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

26. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salaries, if any, allowances and other terms and conditions of service of members of the Commission;

(b) the terms and conditions of service of the Secretary of the Commission;

(c) the matters in respect of which the Commission may tender advice to the Government under clause (a) of sub-section (2) of section 11;

(d) the form in which, and the time within which, the budget and annual report of the Commission may be prepared and forwarded to the Government;

(e) the form and the manner in which the accounts of the Commission may be maintained, and the time at which, and the manner in which, such accounts may be audited;

(f) the returns and information which the Commission may be required to furnish to the Government.

(g) the conditions subject to which any building, building operation or engineering operation designed as a result of an architectural competition may be exempted;

(h) any other matter which may be or is required to be, prescribed under this Act.

(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the date on which they are so published.

(b) All notification issued under this Act shall, unless they are expressed to come into force on a particular day, shall come into force on the date on which they are so published.

(4) Every rule made or notification or direction given or order issued under this Act shall, as soon as possible, after it is made or given or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session the Legislative Assembly makes any modification in any such rule, notification, or order or direction or the Legislative Assembly decides that the rule, notification, or order should not be made or issued, the rule, notification, direction or 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 rule, notification or order.

27. The Commission may, subject to any rules made by the Government and with the previous approval of the Government may make regulations for carrying out the powers and function of the Commission under this Act.

Power to
make
regulations.

28. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provision not inconsistent with the provisions of this Act, as appears to them to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

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)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

Act No. 25 of 2012.

A Bill further to amend the Tamil Nadu Value Added Tax Act, 2006.

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

1. (1) This Act may be called the Tamil Nadu Value Added Tax (Sixth Amendment) Act, 2012.

Short title and commencement.

(2) It shall be deemed to have come into force on the first day of April 2012.

Tamil Nadu
Act
32 of 2006.

2. In the First Schedule to the Tamil Nadu Value Added Tax Act, 2006 (hereinafter referred to as the principal Act), in PART-B,—

Amendment of First Schedule.

(1) after Serial Number 34 and the entries relating thereto, the following Serial Number and entries shall be inserted, namely:—

“(34-A) Compact Fluorescent Lamps and Compact Fluorescent Tubes.”;

(2) Serial Number (46) shall be renumbered as Serial Number (46-A); and before Serial Number (46-A) as so renumbered, the following Serial Number and entry shall be inserted, namely:—

“(46) Electrically operated two wheelers (E-bikes).”;

(3) against Serial Number (67-A), after item (ai) and the entries relating thereto, the following item and entries shall be inserted, namely:—

“(aii) Splints and Veneers for matches.”;

(4) for the entries against Serial Number (145), the following entries shall be substituted, namely:—

“(i) Vegetable oils including refined vegetable oils;

(ii) Oil cake other than those specified in the Fourth Schedule.”.

3. In the Second Schedule to the principal Act,—

Amendment of Second Schedule.

(1) for Serial Numbers 1 and 2 and the entries relating thereto, the following Serial Numbers and entries shall be substituted, namely:—

“1 Alcoholic liquors of all kinds for human consumption which are purchased/ procured/ brought from outside the State other than foreign liquors falling against Serial Number 3.	At the point of first sale in the State.	58 per cent.
	At the second point of sale in the State.	14.5 per cent.

2 Alcoholic liquors of all kinds for human consumption, other than liquors falling against Serial Numbers 1 and 3.	At the point of first sale in the State.	58 per cent.
	At the second point of sale in the State.	38 per cent.
	At the third point of sale in the State.	14.5 per cent.”;

(2) for **Explanation I**, the following Explanation shall be substituted, namely:—

“**Explanation I.**—For the purpose of levy of tax on the goods specified against Serial Number 2,—

(a) at the second point of sale in the State, the turnover of the goods liable to tax shall be arrived at by deducting the turnover of such goods on which tax has been levied at the first point of sale;

(b) at the third point of sale in the State, the total turnover of that goods shall be taken into account.”.

Amendment of
Fourth
Schedule.

4. In the Fourth Schedule to the principal Act, in PART-B,—

(1) in Serial Number 1, for item (ii) and the entries relating thereto, the following items and entries shall be substituted, namely:—

“(ii) Agricultural implements other than those specified in item (i) above and those powered or operated by tractors or power tillers, as notified by the Government and their parts and accessories.

(iii) Sprayers, sprinklers and drip irrigation equipments including their parts and accessories.”;

(2) Serial Numbers 41-A and 41-B shall be renumbered as Serial Numbers 41-B and 41-C, respectively; and before Serial Number 41-B as so renumbered, the following Serial Number and entry shall be inserted, namely:—

“41-A. Handmade locks.”;

(3) Serial Numbers 48-A and 48-B shall be renumbered as Serial Numbers 48-B and 48C, respectively; and before Serial Number 48-B as so renumbered, the following Serial Number and entry shall be inserted, namely:—

“48-A. Insulin of all types.”;

(4) Serial Number 65 and the entries relating thereto shall be omitted.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 26 of 2012.

An Act further to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

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

1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2012.

Short title and Commencement.

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

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959,—

Amendment of section 6.

(1) in clause (15), after sub-clause (c), the following sub-clause shall be added, namely:—

“(d) in the case of a samadhi, brindhavan or any other institution established or maintained for a religious purpose, a person who is entitled to attend at or is in the habit of attending the performance of worship or service in such religious institution, or who is entitled to partake or is in the habit of partaking in the benefit of the distribution of gifts thereat;”;

(2) for clause (18), the following clause shall be substituted, namely:—

“(18) “religious institution” means a math, temple or specific endowment and includes,—

(i) a samadhi or brindhavan; or

(ii) any other institution established or maintained for a religious purpose.

Explanation.—For the purpose of this clause—

(1) “samadhi” means a place where the mortal remains of a guru, sadhu or saint is interned and used as a place of public religious worship;

(2) “brindhavan” means a place established or maintained in memory of a guru, sadhu or saint and used as a place of public religious worship, but does not include Samadhi;”.

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.

Tamil Nadu
Act 22 of
1959.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 31st May 2012 and is hereby published for general information:—

ACT No. 27 of 2012.

An Act to provide for the appropriation of moneys out of the Consolidated Fund of the State for the services and purposes of the financial year commencing on the 1st day of April 2012.

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

1. This Act may be called the Tamil Nadu Appropriation (No. 3) Act, 2012.

Short title.

2. The State Government may appropriate out of the Consolidated Fund of the State for the services and purposes of the financial year commencing on the 1st day of April 2012, a sum not exceeding one lakh twenty eight thousand five hundred four crores ninety two lakhs and twenty six thousand rupees which shall be inclusive of the sum of fifty one thousand four hundred one crore ninety seven lakhs and twenty three thousand rupees specified in section 2 of the Tamil Nadu Appropriation (Vote on Account) Act, 2012 being moneys required to meet—

Appropriation out of the Consolidated Fund of the State for the services and purposes of the financial year commencing on the 1st day of April 2012.

Tamil Nadu
Act 12 of
2012.

(a) the grants made by the Tamil Nadu Legislative Assembly for the year, as set forth in column (3) of the Schedule; and

(b) the expenditure charged on the Consolidated Fund of the State for that year, as set forth in column (4) of the Schedule.

THE SCHEDULE.

(See section 2)

Demand Number.	Services and purposes.		Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)		(3) Rs.	(4) Rs.	(5) Rs.
1	State Legislature	Revenue	39,47,12,000	39,26,000	39,86,38,000
		Capital	...	...	...
		Loan	1,00,00,000	...	1,00,00,000
2	Governor and Council of Ministers	Revenue	28,48,52,000	7,50,05,000	35,98,57,000
		Capital	...	...	...
		Loan	...	...	...
3	Administration of Justice	Revenue	616,96,80,000	119,17,94,000	736,14,74,000
		Capital	...	...	...
		Loan	...	...	...
4	Adi-Dravidar and Tribal Welfare Department	Revenue	1,151,49,48,000	4,20,02,000	1,155,69,50,000
		Capital	135,21,79,000	...	135,21,79,000
		Loan	1,000	...	1,000
5	Agriculture Department	Revenue	3,575,96,22,000	2,000	3,575, 96,24,000
		Capital	78,70,15,000	...	78,70,15,000
		Loan	150,30,00,000	...	1,50,30,00,000
6	Animal Husbandry (Animal Husbandry, Dairying and Fisheries Department)	Revenue	714,03,32,000	2,000	714,03,34,000
		Capital	100,00,10,000	...	100,00,10,000
		Loan	1,000	...	1,000
7	Fisheries (Animal Husbandry, Dairying and Fisheries Department)	Revenue	269,40,50,000	1,000	269,40,51,000
		Capital	147,81,85,000	...	147,81,85,000
		Loan	...	...	...
8	Dairy Development (Animal Husbandry, Dairying and Fisheries Department)	Revenue	74,25,55,000	2,000	74,25,57,000
		Capital	...	...	...
		Loan	10,14,52,000	...	10,14,52,000
9	Backward Classes, Most Backward Classes and Minorities Welfare Department	Revenue	602,97,17,000	7,000	602,97,24,000
		Capital	40,57,76,000	...	40,57,76,000
		Loan	1,000	...	1,000
10	Commercial Taxes (Commercial Taxes and Registration Department)	Revenue	285,45,24,000	1,000	285,45,25,000
		Capital	...	...	...
		Loan	1,000	...	1,000
11	Stamps and Registration (Commercial Taxes and Registration Department)	Revenue	174,33,43,000	1,000	174,33,44,000
		Capital	...	...	...
		Loan	...	...	...
12	Co-operation (Co-operation, Food and Consumer Protection Department)	Revenue	453,99,52,000	2,000	453,99,54,000
		Capital	238,15,11,000	...	238,15,11,000
		Loan	17,93,86,000	...	17,93,86,000
13	Food and Consumer Protection (Co-operation, Food and Consumer Protection Department)	Revenue	4,995,22,86,000	4,000	4,995,22,90,000
		Capital	40,70,04,000	...	40,70,04,000
		Loan	1,000	...	1,000

Demand Number.	Services and purposes.		Sums not exceeding		Total.
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	
(1)	(2)		(3) Rs.	(4) Rs.	(5) Rs.
14	Energy Department	Revenue	1,963,45,54,000	1,000	1,963,45,55,000
		Capital	1,500,00,00,000	...	1,500,00,00,000
		Loan	4,000	...	4,000
15	Environment (Environment and Forests Department)	Revenue	7,16,73,000	1,000	7,16,74,000
		Capital	200,00,01,000	...	200,00,01,000
		Loan	15,12,61,000	...	15,12,61,000
16	Finance Department	Revenue	571,92,54,000	5,000	571,92,59,000
		Capital	1,000,00,00,000	...	1,000,00,00,000
		Loan	64,00,25,000	...	64,00,25,000
17	Handlooms and Textiles (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	567,09,45,000	1,000	567,09,46,000
		Capital	1,000	...	1,000
		Loan	154,98,04,000	...	154,98,04,000
18	Khadi, Village Industries and Handicrafts (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	138,66,84,000	2,000	138,66,86,000
		Capital	...	...	...
		Loan	...	...	...
19	Health and Family Welfare Department	Revenue	5,413,75,31,000	75,87,000	5,414,51,18,000
		Capital	154,62,24,000	...	154,62,24,000
		Loan	15,01,000	...	15,01,000
20	Higher Education Department	Revenue	2,406,21,42,000	2,000	2,406,21,44,000
		Capital	26,76,36,000	...	26,76,36,000
		Loan	1,000	...	1,000
21	Highways and Minor Ports Department	Revenue	1,592,83,08,000	10,000	1,592,83,18,000
		Capital	4,058,85,14,000	1,000	4,058,85,15,000
		Loan	1,000	...	1,000
22	Police (Home, Prohibition and Excise Department)	Revenue	3,554,15,86,000	2,20,09,000	3,556,35,95,000
		Capital	185,00,00,000	...	185,00,00,000
		Loan	20,00,02,000	...	20,00,02,000
23	Fire and Rescue Services (Home, Prohibition and Excise Department)	Revenue	189,11,45,000	1,00,000	189,12,45,000
		Capital	8,45,12,000	...	8,45,12,000
		Loan	...	...	...
24	Prisons (Home, Prohibition and Excise Department)	Revenue	158,26,07,000	4,000	158,26,11,000
		Capital	3,000	...	3,000
		Loan	...	...	...
25	Motor Vehicles Acts-Administration (Home, Prohibition and Excise Department)	Revenue	157,35,20,000	1,000	157,35,21,000
		Capital	79,77,00,000	...	79,77,00,000
		Loan	...	...	...
26	Housing and Urban Development Department	Revenue	593,49,11,000	2,000	593,49,13,000
		Capital	887,08,57,000	...	887,08,57,000
		Loan	170,00,05,000	...	170,00,05,000

Demand Number.	Services and purposes.		Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)		(3) Rs.	(4) Rs.	(5) Rs.
27	Industries Department	Revenue	1,158,44,60,000	3,000	1,158,44,63,000
		Capital	9,92,20,000	...	9,92,20,000
		Loan	500,00,05,000	...	500,00,05,000
28	Information and Publicity (Tamil Development, Religious Endowments and Information Department)	Revenue	47,79,20,000	1,000	47,79,21,000
		Capital	...	...	...
		Loan	...	...	...
29	Tourism - Art and Culture (Tourism and Culture Department)	Revenue	103,85,31,000	7,000	103,85,38,000
		Capital	31,92,68,000	...	31,92,68,000
		Loan	1,000	...	1,000
30	Stationery and Printing (Tamil Development, Religious Endowments and Information Department)	Revenue	76,71,96,000	10,03,000	76,81,99,000
		Capital	1,10,08,000	...	1,10,08,000
		Loan	...	...	...
31	Information Technology Department	Revenue	25,18,71,000	1,000	25,18,72,000
		Capital	1,000	...	1,000
		Loan	2,000	...	2,000
32	Labour and Employment Department	Revenue	612,75,10,000	8,000	612,75,18,000
		Capital	14,98,59,000	...	14,98,59,000
		Loan	1,000	...	1,000
33	Law Department	Revenue	17,65,46,000	2,000	17,65,48,000
		Capital	...	...	...
		Loan	1,000	...	1,000
34	Municipal Administration and Water Supply Department	Revenue	5,698,82,44,000	3,000	5,698,82,47,000
		Capital	3,516,06,17,000	...	3,516,06,17,000
		Loan	209,87,89,000	...	209,87,89,000
35	Personnel and Administrative Reforms Department	Revenue	55,41,72,000	29,31,74,000	84,73,46,000
		Capital	1,000	...	1,000
		Loan	1,000	...	1,000
36	Planning, Development and Special Initiatives Department	Revenue	87,50,19,000	4,000	87,50,23,000
		Capital	100,36,75,000	...	100,36,75,000
		Loan	1,000	...	1,000
37	Prohibition and Excise (Home, Prohibition and Excise Department)	Revenue	75,28,95,000	1,000	75,28,96,000
		Capital	...	...	...
		Loan	...	...	...
38	Public Department	Revenue	251,24,41,000	8,22,000	251,32,63,000
		Capital	25,00,02,000	...	25,00,02,000
		Loan	40,00,01,000	...	40,00,01,000
39	Buildings (Public Works Department)	Revenue	212,32,79,000	2,000	212,32,81,000
		Capital	813,26,11,000	...	813,26,11,000
		Loan	22,50,000	...	22,50,000

Demand Number.	Services and purposes.		Sums not exceeding		
			Voted by the	Charged on the	Total
			Legislative Assembly.	Consolidated Fund of the State.	
(1)	(2)		(3)	(4)	(5)
			Rs.	Rs.	Rs.
40	Irrigation (Public Works Department)	Revenue	1,501,69,24,000	4,000	1,501,69,28,000
		Capital	2,122,04,03,000	1,00,03,000	2,123,04,06,000
		Loan	...	...	...
41	Revenue Department	Revenue	5,314,02,34,000	7,000	5,314,02,41,000
		Capital	201,09,70,000	...	201,09,70,000
		Loan	1,000	...	1,000
42	Rural Development and Panchayat Raj Department	Revenue	8,105,61,69,000	5,000	8,105,61,74,000
		Capital	3,593,17,35,000	1,000	3,593,17,36,000
		Loan	15,00,000	...	15,00,000
43	School Education Department	Revenue	14,251,04,32,000	20,000	14,251,04,52,000
		Capital	301,72,29,000	...	301,72,29,000
		Loan	5,40,000	...	5,40,000
44	Micro, Small and Medium Enterprises Department	Revenue	239,42,21,000	1,000	239,42,22,000
		Capital	1,000	...	1,000
		Loan	1,000	...	1,000
45	Social Welfare and Nutritious Meal Programme Department	Revenue	3,692,46,99,000	4,000	3,692,47,03,000
		Capital	2,000	...	2,000
		Loan	2,000	...	2,000
46	Tamil Development (Tamil Development, Religious Endowments and Information Department)	Revenue	30,68,44,000	4,000	30,68,48,000
		Capital	...	...	...
		Loan	1,000	...	1,000
47	Hindu Religious and Charitable Endowments Tamil Development, Religious Endowments and Information Department)	Revenue	82,34,86,000	1,00,00,000	83,34,86,000
		Capital	1,000	...	1,000
		Loan	...	...	...
48	Transport Department	Revenue	412,92,13,000	24,000	412,92,37,000
		Capital	150,00,06,000	...	150,00,06,000
		Loan	150,15,01,000	...	150,15,01,000
49	Youth Welfare and Sports Development Department	Revenue	103,48,40,000	1,000	103,48,41,000
		Capital	1,000	...	1,000
		Loan	1,000	...	1,000
50	Pension and other Retirement Benefits	Revenue	13,755,47,22,000	2,70,96,000	13,758,18,18,000
		Capital	...	...	...
		Loan	...	...	...
51	Relief on Account of Natural Calamities	Revenue	439,18,35,000	1,000	439,18,36,000
		Capital	...	...	...
		Loan	...	...	...
52	Department for the Welfare of Differently Abled Persons	Revenue	206,11,77,000	2,000	206,11,79,000
		Capital	...	...	...
		Loan	1,000	...	1,000
53	Department of Special Programme Implementation	Revenue	2,001,77,29,000	1,000	2,001,77,30,000
		Capital	1,500,00,00,000	...	1,500,00,00,000
		Loan	1,000	...	1,000

Demand Number.	Services and purposes.		Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund of the State.	Total
(1)	(2)		(3) Rs.	(4) Rs.	(5) Rs.
54	Forest (Environment and Forests Department)	Revenue	280,13,78,000	3,000	280,13,81,000
		Capital	206,68,49,000	...	206,68,49,000
		Loan	...	...	...
	<i>Debt Charges</i>	<i>Revenue</i>	...	11,182,80,04,000	11,182,80,04,000
		<i>Capital</i>	...	...	...
		<i>Loan</i>	...	...	...
	<i>Public Debt-Repayment</i>	<i>Revenue</i>	...	...	...
		<i>Capital</i>	...	...	...
		<i>Loan</i>	...	5,045,54,84,000	5,045,54,84,000
		Revenue	89,134,94,20,000	11,350,26,82,000	100,485,21,02,000
	Total	Capital	21,469,05,87,000	1,00,05,000	21,470,05,92,000
		Loan	1504,10,48,000	5,045,54,84,000	6,549,65,32,000
	Grand Total		112,108,10,55,000	16,396,81,71,000	128,504,92,26,000

(By order of the Governor)

G. JAYACHANDRAN,
Secretary to Government,
Law Department.