



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 1

Tamil Nadu Bills

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BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:-

L.A. Bill No. 34 of 2012

A Bill further to amend the Tamil Nadu Transparency in Tenders Act, 1998.

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:-

Short title and
commence-
ment.

1. (1) This Act may be called the Tamil Nadu Transparency in Tenders (Second Amendment) Act, 2012.

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

Amendment of
section 2.

2. In section 2 of the Tamil Nadu Transparency in Tenders Act, 1998 (hereinafter referred to as the Principal Act),-

Tamil Nadu
Act 43 of
1998.

(i) after clause (c), the following clause shall be inserted, namely:-

“(cc) ‘Lowest Tender’ means the tender which, on evaluation, is found to be most beneficial to the procuring entity in financially quantifiable terms.”;

(ii) in clause (i), the proviso shall be omitted.

Amendment of
Section 10.

3. In Section 10 of the principal Act,—

(i) for the expression “he”, in four places where it occurs, the expression “the said authority” shall be substituted.

(ii) to sub-section (6), the following proviso shall be added, namely:-

“Provided that if the tenderer is unable to supply the entire quantity required, the Tender Accepting Authority may follow the fixed rate contract procedure as may be prescribed.”

Amendment of
section 12.

4. In section 12 of the principal Act, in sub-section (1) for the expression “he”, the expression “the said authority” shall be substituted.

Amendment of
section 16.

5. In section 16 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) from departments of the Government, Public Sector Undertakings, Statutory Board and such other institutions as may be notified by the Government, only in respect of goods manufactured or services provided by them:

Provided that such procurement shall not exceed forty per cent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining sixty per cent.”

(ii) for clause (dd) and the proviso thereunder, the following clause and provisos shall be substituted, namely:-

“(dd) from domestic small-scale industrial units, only in respect of goods manufactured by them:

Provided that such procurement shall not exceed twenty-five per cent of the total requirement in that procurement and shall be at a price not exceeding the price of the lowest tender in respect of the remaining seventy five per cent:

Provided further that in the case of a single procurement involving clauses (c) and (dd), such procurement shall not exceed forty per cent of the total requirement in that procurement;”

(iii) for clause (f), the following clause shall be substituted, namely:—

“(f) by spot purchase of agricultural commodities, agricultural produce and livestock from primary producers; by spot purchase of cotton by Spinning Mills; by spot purchase of animals for the Government Programmes or schemes or for the Government Departments from *shanties*; of sugarcane purchase from farmers by the State Public Sector Undertakings or Co-operative Sugar Mills; of paddy by the Direct Purchase Centres of the Tamil Nadu Civil Supplies Corporation; of clothing by the Government Departments or the State Public Sector Undertakings from the Tamil Nadu Handloom Weavers' Co-operative Society; and by similar organization and of similar goods and services, as may be notified by the Government;”.

(iv) after clause (g), the following clause shall be added, namely:—

“(h) by the Co-operative Federations from their Federating units or Primary Co-operative Societies, of goods manufactured of services provided by them;”

O. PANNEERSELVAM,
Minister for Finance.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998) provides for transparency in the public procurement and regulates the procedure in inviting and accepting tenders. In the process of implementation of the said Act, during the past years, certain practical problems were faced and the need for certain improvements were also felt. Further, recently the Tamil Nadu Infrastructure Development Act, 2012 (Tamil Nadu Act 22 of 2012) was enacted 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. In order to overcome the problems faced and to implement the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998) effectively in the, light of the said Tamil Nadu Act 22 of 2012, the Government have decided to amend the said Tamil Nadu Act 43 of 1998, suitably.

2. The Bill seeks to give effect to the above decision.

O. PANNEERSELVAM,
Minister for Finance.

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:-

L.A. Bill No. 35 of 2012.

A Bill further to amend the laws relating to the Municipal Corporations and 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 (Fourth 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.

2. After section 255-A of the Chennai City Municipal Corporation Act, 1919, the following section shall be inserted, namely:-

Insertion of new Section 255-AA.

“255-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 378, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.

PART-III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Insertion of
new Section
215-AA.

3. After section 215-A of the Tamil Nadu District Municipalities Act, 1920, the following section shall be inserted, namely:-

Tamil Nadu
Act V of
1920.

“215-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the executive authority.

(2) Every application for permission to construct a swimming pool shall be made to the executive authority and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the executive authority may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the executive authority refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) Any person authorised by the State Government in this behalf may, subject to the provisions of section 335, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the State Government shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the Government may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.

PART-IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

Tamil Nadu
Act 15 of
1971.

4. After section 295-A of the Madurai City Municipal Corporation Act, 1971, the following section shall be inserted, namely:-

Insertion of
new Section
295-AA.

"295-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 468, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, "appointed day" means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012."

PART-V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

Insertion of
new Section
295-AA.

5. After section 295-A of the Coimbatore City Municipal Corporation Act, 1981, the following section shall be inserted, namely:-

Tamil Nadu
Act 25 of
1981.

"295-AA. Permission to construct swimming pool.—(1) No swimming pool shall be constructed in any place, after the appointed day, without obtaining a permission from the commissioner.

(2) Every application for permission to construct a swimming pool shall be made to the commissioner and shall be accompanied by such fee not exceeding rupees five thousand, as may be prescribed, and shall contain such particulars as may be prescribed.

(3) On receipt of an application under sub-section (2), the commissioner may, after making such enquiry as he deems necessary, either grant or refuse to grant the permission. Every permission granted shall be in such form and subject to such terms and conditions, as may be prescribed.

(4) Where the commissioner refuses to grant permission under sub-section (3), he shall give reasons in writing for such refusal.

(5) No owner or occupier of a building or land in which a swimming pool is located immediately before the appointed day, shall continue the use of such swimming pool unless he obtains a permission under this section in respect of such swimming pool within a period of three months from the appointed day.

(6) Every owner or occupier of a building or land in which a swimming pool is located, shall maintain the swimming pool in such manner and follow such safety norms, as may be prescribed.

(7) The commissioner or any person authorised by him in this behalf may, subject to the provisions of section 467, enter into any building or land in which a swimming pool is located, in order to make any enquiry or inspection and may take any measures or do anything which may, in his opinion, be necessary for the purpose of maintenance of the swimming pool or for the safety of the persons using the swimming pool:

Provided that the commissioner shall authorise, for the purpose of this sub-section, any officer,-

(i) not below the rank of Joint Director in the office of the Director of School Education, in respect of swimming pools located in the premises of schools;

(ii) not below the rank of Joint Director in the office of the Director of Collegiate Education, in respect of swimming pools located in the premises of colleges and Universities.

(8) For the purpose of sub-section (7), the commissioner may authorise different persons for different classes of buildings or land in which swimming pools are located.

Explanation.—For the purpose of this section, “appointed day” means such date as the Government may, by notification, appoint under sub-section (2) of section 1 of the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2012.”.

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of the Government that unfortunate death of a school student has occurred due to lack of safety measures in construction and maintenance of swimming pool. The Government, therefore consider that there is an imperative need to evolve meaningful and comprehensive measures to ensure the safety and security of the users of the swimming pools, particularly in educational institutions. Accordingly, to effectively regulate the construction, maintenance and monitoring of swimming pools, the Government have decided to suitably amend the Chennai City Municipal Corporation Act, 1919, (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971, (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981, (Tamil Nadu Act 25 of 1981) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

2. The Bill seeks to give effect to the above decision.

K.P. MUNUSAMY,
*Minister for Municipal Administration
and Rural Development.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

New section 255-AA proposed to be inserted in the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) by clause 2 of the Bill, new section 215-AA proposed to be inserted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) by clause 3 of the Bill, new section 295-AA proposed to be inserted in the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971) by clause 4 of the Bill and new section 295-AA proposed to be inserted in the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981) by clause 5 of the Bill empower the Government to make rules and empower the Government and the Commissioner, to authorise an officer or a person to enter into any building or land for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

K.P. MUNUSAMY,
Minister for Municipal Administration
and Rural

Development.

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 36 of 2012.

A Bill further to amend the Chennai Metropolitan Water Supply and Sewerage Act, 1978.

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 Chennai Metropolitan Water Supply and Sewerage (Second 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.

2. In section 37 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978,-

Amendment of section 37.

(1) in sub-section (7), for the expression "sanction", the expression "approve" shall be substituted;

(2) sub-section (8), shall be omitted;

(3) in sub-section (9), for the expression "sanctioned", the expression "approved" shall be substituted.

Tamil Nadu
Act 28 of
1978.

STATEMENT OF OBJECTS AND REASONS.

As per sub-section (8) of section 37 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978 (Tamil Nadu Act 28 of 1978), the budget estimates of the Chennai Metropolitan Water Supply and Sewerage Board, as sanctioned by the said Board, shall be submitted to the Government for approval. Now, the Government have decided that the budget estimates of State Public Sector Undertakings and Statutory Boards need not be sent to Government for approval and it is for the Boards of the respective Public Sector Undertakings and Statutory Boards to scrutinise and approve the budget estimate, taking into account the instructions issued by the Government. Accordingly, the Government have decided to amend section 37 of the said Tamil Nadu Act 28 of 1978 suitably for the purpose in view.

2. The Bill seeks to give effect to the above decision.

K.P. MUNUSAMY,
*Minister for Municipal Administration
and Rural Development.*

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 37 of 2012.

A Bill further to amend the Tamil Nadu Universities Laws.

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 Universities Laws (Amendment) Act, 2012.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 14th day of July 2012.

Tamil Nadu Act
1 of 1982.

2. In section 12 of the Bharathiar University Act, 1981, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu Act
1 of 1982.

Tamil Nadu Act
2 of 1982.

3. In section 12 of the Bharathidasan University Act, 1981, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu Act
2 of 1982.

Tamil Nadu Act
15 of 1984.

4. In section 12 of the Mother Teresa Women’s University Act, 1984, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu Act
15 of 1984.

Tamil Nadu Act
23 of 1985.

5. In section 13 of the Alagappa University Act, 1985, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu Act
23 of 1985.

Tamil Nadu Act
31 of 1990.

6. In section 11 of the Manonmaniam Sundaranar University Act, 1990, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu Act
31 of 1990.

Tamil Nadu Act
45 of 1997.

7. In section 12 of the Periyar University Act, 1997, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu
Act 45 of
1997.

Tamil Nadu Act
27 of 2002.

8. In section 10 of the Tamil Nadu Open University Act, 2002, in the second proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu
Act 27 of
2002.

Tamil Nadu Act
32 of 2002.

9. In section 12 of the Thiruvalluvar University Act, 2002, in the second proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment
of Tamil
Nadu Act 32
of 2002.

Tamil Nadu Act
33 of 2008.

10. In section 10 of the Tamil Nadu Teachers Education University Act, 2008, in the second proviso to sub-section (4), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
Tamil Nadu
Act 33 of
2008.

Tamil Nadu
Ordinance
5 of 2012.

11. (1) The Tamil Nadu Universities Laws (Amendment) Ordinance, 2012 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Bharathiar University Act, 1981 or the Bharathidasan University Act, 1981 or the Mother Teresa Women's University Act, 1984 or the Alagappa University Act, 1985 or the Manonmaniam Sundaranar University Act, 1990 or the Periyar University Act, 1997 or the Tamil Nadu Open University Act, 2002 or the Thiruvalluvar University Act, 2002 or the Tamil Nadu Teachers Education University Act, 2008, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts, as amended by this Act.

Tamil Nadu Act
1 of 1982.
Tamil Nadu Act
2 of 1982.
Tamil Nadu Act
15 of 1984.
Tamil Nadu Act
23 of 1985.
Tamil Nadu Act
31 of 1990.
Tamil Nadu Act
45 of 1997.
Tamil Nadu Act
27 of 2002.
Tamil Nadu Act
32 of 2002.
Tamil Nadu Act
33 of 2008.

STATEMENT OF OBJECTS AND REASONS.

The Vice-Chancellor of University shall hold office upto the age of sixty - five years under the Bharathiar University Act, 1981 (Tamil Nadu Act 1 of 1982), the Bharathidasan University Act, 1981 (Tamil Nadu Act 2 of 1982), the Mother Teresa Women's University Act, 1984 (Tamil Nadu Act 15 of 1984), the Alagappa University Act, 1985 (Tamil Nadu Act 23 of 1985), the Manonmaniam Sundaranar University Act, 1990 (Tamil Nadu Act 31 of 1990), the Periyar University Act, 1997 (Tamil Nadu Act 45 of 1997), the Tamil Nadu Open University Act, 2002 (Tamil Nadu Act 27 of 2002), the Thiruvalluvar University Act, 2002 (Tamil Nadu Act 32 of 2002) and the Tamil Nadu Teachers Education University Act, 2008 (Tamil Nadu Act 33 of 2008). The Government decided to amend the above said Tamil Nadu Acts to raise the retirement age of the Vice-Chancellors from sixty- five years to seventy years on par with the Central Universities Act, 2009 (Central Act 25 of 2009) so as to utilise the knowledge gained by academicians for the enrichment of education in this State. Accordingly, the Tamil Nadu Universities Laws (Amendment) ordinance, 2012 (Tamil Nadu Ordinance 5 of 2012) was promulgated by the Governor on the 14th July 2012 and the same was published in the *Tamil Nadu Government Gazette*, Extraordinary, dated the 14th July 2012.

2. The Bill seeks to replace the said Ordinance.

P. PALANIAPPAN,
Minister for Higher Education.

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 38 of 2012.

***A Bill further to amend the Tamil Nadu Co-operative Societies
(Appointment of Special Officers) Act, 1976.***

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 Co-operative Societies (Appointment of Special Officers) Second Amendment Act, 2012.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 3rd day of August 2012.

President's
Act 25 of
1976.

2. In section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 (hereinafter referred to as the principal Act), in sub-section (1), for the expression "thirty six years and two months", the expression "thirty six years and eight months" shall be substituted.

Amendment of
section 4.

Tamil Nadu
Ordinance
13 of 2012.

3. (1) The Tamil Nadu Co-operative Societies (Appointment of Special Officers) Second Amendment Ordinance, 2012 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

Special Officers were appointed under sub-section (1) of section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976(President's Act 25 of 1976) for Scheduled co-operative societies, for a period of two years in the first instance. The period of their appointment had been extended from time to time and it was due to expire on the 9th August 2012.

2. As per the schedule for conducting elections to the Co-operative Societies approved by the Government, elections for the first two stages in the first phase were conducted on the 7th July 2007 and the 11th July 2007, respectively. During these polls, occurrences of certain incidents have been brought to the notice of the Government. The Government are of the opinion that these incidents have undermined the very purpose of conducting the elections to the co-operative societies in the State. The Government have, therefore, decided to cancel the elections to the co-operative societies wherever they have been conducted and to hold fresh elections to all the co-operative societies and have ordered accordingly. A new election schedule will be announced by the Government for fresh elections in due course.

3. As such, the conduct of elections to the said Scheduled co-operative societies will take some more time. The Government, therefore, decided to extend the period of appointment of the Special Officers of the said Scheduled co-operative societies for a further period of six months beyond the 9th August 2012 and to amend the said Act suitably for the purpose. Accordingly, the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Second Amendment Ordinance, 2012 (Tamil Nadu Ordinance 13 of 2012) was promulgated by the Governor on the 3rd August 2012 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 3rd August 2012.

4. The Bill seeks to replace the said Ordinance.

SELLUR K. RAJU,
Minister for Co-operation.

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 39 of 2012.

A Bill further to amend the Tamil Nadu Dr. Ambedkar Law University Act, 1996.

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 Dr. Ambedkar Law University (Amendment) Act, 2012.

Short title and Commence-ment.

(2) It shall be deemed to have come into force on the 31st day of July 2012.

Tamil Nadu
Act 43 of
1997.

2. In section 12 of the Tamil Nadu Dr. Ambedkar Law University Act, 1996, (hereinafter referred to as the principal Act), in the third proviso to sub-section (3), for the expression “sixty—five years”, the expression “seventy years” shall be substituted.

Amendment of section 12.

Tamil Nadu
Ordinance
7 of 2012.

3. (1) The Tamil Nadu Dr. Ambedkar Law University (Amendment) Ordinance, 2012 is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS.

It was considered to raise the retirement age of the Vice-Chancellor so as to utilise the knowledge and experience gained by the academicians for the enrichment of legal education in the State. The Government, therefore, decided to amend the Tamil Nadu Dr. Ambedkar Law University Act, 1996 (Tamil Nadu Act 43 of 1997) to raise the retirement age of the Vice-Chancellor from sixty-five years to seventy years on par with the retirement age of the Vice-Chancellor under the Central Universities Act, 2009 (Central Act 25 of 2009). Accordingly, the Tamil Nadu Dr. Ambedkar Law University (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 7 of 2012) was promulgated by the Governor on the 30th July 2012 and the same was published in the *Tamil Nadu Government Gazette, Extraordinary, dated the 31st July 2012.*

2. The Bill seeks to replace the said Ordinance.

N.R. SIVAPATHI,
*Minister for School Education,
Sports and Youth Welfare, Law,
Courts and Prisons.*

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 40 of 2012.

A Bill to amend the Tamil Nadu National Law School Act, 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. (1) This Act may be called the Tamil Nadu National Law School (Amendment) Act, 2012.

Short title and
Commence-
ment.

(2) It shall be deemed to have come into force on the 31st day of July 2012.

Tamil Nadu
Act 9 of
2012.

2. In section 11 of the Tamil Nadu National Law School Act, 2012, in the third proviso to sub-section (3), for the expression “sixty-five years”, the expression “seventy years” shall be substituted.

Amendment of
section 11.

Tamil Nadu
Ordinance
8 of 2012.

3. (1) The Tamil Nadu National Law School (Amendment) Ordinance, 2012 is hereby repealed.

Repeal.

STATEMENT OF OBJECTS AND REASONS.

It was considered to raise the retirement age of the Vice-Chancellor so as to utilise the knowledge and experience gained by the academicians for the enrichment of legal education in the State. The Government, therefore, decided to amend the Tamil Nadu National Law School Act, 2012 (Tamil Nadu Act 9 of 2012) to raise the retirement age of the Vice-Chancellor from sixty-five years to seventy years on par with the retirement age of the Vice-Chancellor under the Central Universities Act, 2009 (Central Act 25 of 2009). Accordingly, the Tamil Nadu National Law School (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 8 of 2012) was promulgated by the Governor on the 30th July 2012 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 31st July 2012.

2. The Bill seeks to replace the said Ordinance.

N.R. SIVAPATHI,
*Minister for School Education,
Sports and Youth Welfare, Law,
Courts and Prisons.*

A.M.P. JAMALUDEEN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st October, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 41 of 2012.

A Bill 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 (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.

2. In section 6 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as the principal Act);-

Amendment of section 6

(1) after clause (8), the following clause shall be inserted, namely:—
“(8-A) “District Committee” means the Committee constituted by the Government under section 7-A;”;

(2) after clause (18), the following clause shall be inserted, namely:—
“(18-A) “Schedule Castes” and “Scheduled Tribes “ shall have the same meaning assigned to them, respectively, in clause (24) and (25) of Article 366 of the Constitution;”.

3. After section 7 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 7-A.

“7-A. Constitution of District Committee.- (1) In respect of all religious institutions, other than those falling under clause (iii) of section 46, situated within the territorial jurisdiction of a revenue district, the Government shall constitute a committee called the District Committee consisting of not less than three and not more than five non-official members, as may be nominated by the Government. The members of the District Committee shall be scholars, philanthropists or religious minded persons, and qualified for appointment as trustees under this Act.

(2) The term of office of the members of the District Committee shall be three years and other matters relating to the said Committee shall be such as may be prescribed.

(3) The Government may, after giving a show cause notice, remove all or any of the members of the District Committee in the public interest.

(4) The District Committee shall prepare, in such manner as may be prescribed, panel of names of persons who are qualified for appointment as trustees under this Act (including women and members of Schedule Castes and Scheduled Tribes) and suitable for appointment as non – hereditary trustees or trustees, as the case may be and shall send it to –

(i) the Joint Commissioner or the Deputy Commissioner, in respect of religious institutions falling under clause (i) of section 46;

(ii) the Commissioner, in respect of religious institutions falling under clause (ii) of section 46; and

(iii) the Assistant Commissioner, in respect of religious institution which is not included in the list published under section 46 and is not a religious institution notified or deemed to have been notified under Chapter VI of this Act.

(5) Notwithstanding anything contained in this section, the District Committee shall have no jurisdiction to send any panel of names of persons under this section in respect of any religious institution for which a scheme has been settled or deemed to have been settled under this Act by the High Court or any Court subordinate to the High Court”.

Amendment of
section 47.

4. In section 47 of the principal Act, in sub-section (1),—

(1) for the first proviso to clause (a), the following proviso shall be substituted, namely:-

“Provided that the Board of Trustees constituted under items (i) and (ii) of this clause shall, subject to the provision of clause (c), consist of three persons appointed by the Joint Commissioner or the Deputy Commissioner or the Commissioner, as the case may be, from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A.”;

(2) the Explanation shall be omitted.

Amendment of
section 49.

5. In section 49 of the principal Act, for the first proviso to sub-section (1), the following proviso shall be substituted, namely:—

“Provided that the Board of Trustees constituted under this sub-section shall consist of three persons appointed by the Assistant Commissioner from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes and another one shall be a women.”.

Amendment of
section 92.

6. In section 92 of the principal Act, in sub-section (4), after clause (iii), the following clause shall be added, namely:—

“(iv) expenses of the District Committees.”.

Amendment of
section 116.

7. In section 116 of the principal Act, in sub-section (2), in clause (xxi), after sub-clause (a), the following sub-clause shall be inserted, namely:—

“(b) the District Committee;”.

STATEMENT OF OBJECTS AND REASONS

Section 7-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) which provided for constitution of a District Committee for each revenue district to prepare a panel of names for appointment of non-hereditary trustees to religious institutions was omitted *vide* Tamil Nadu Act 15 of 2006. Since there are no District Committees to select non hereditary trustees to the religious institutions, there is inordinate delay in appointing non-hereditary trustees and lack of transparency in the selection of qualified persons for the appointment of non-hereditary trustees.

2. Now, in order to speed up the appointment of non-hereditary trustees to the religious institutions and to have transparency in their selection process, the Government have decided to constitute District Committees, comprising of scholars, philanthropists, and religious minded people to prepare panel of names for appointment of non-hereditary trustees and to amend the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) for the purpose.

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

M.S.M. ANANDAN,
*Minister for Hindu Religious and
Charitable Endowments Department.*

MEMORANDUM REGARDNG DELEGATED LEGISLATION

Section 7-A proposed to be inserted by clause 3 of the Bill authorises the Government to make rules to prescribe the matters relating to the District Committee and the manner in which the panel of names of qualified persons shall be prepared.

2. The powers delegated are normal and not of an exceptional character.

A.M.P. JAMALUDEEN,
Secretary.