



# TAMIL NADU GOVERNMENT GAZETTE

**EXTRAORDINARY**

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## Part IV—Section 2

### Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 24th January 2012 is hereby published for general information:-

#### TAMIL NADU ORDINANCE No. 2 OF 2012.

#### *An Ordinance further to amend the Tamil Nadu Transparency in Tenders Act, 1998.*

Whereas, the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

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

Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of October 2011.

Tamil Nadu Act  
43 of 1998.

2. In section 16 of the Tamil Nadu Transparency in Tenders Act, 1998 (hereinafter referred to as the principal Act), in clause (c), for the words "eleven years", the words "sixteen years" shall be substituted.

Amendment of section 16.

3. Notwithstanding anything contained in the principal Act, all things done or actions taken by any officer or authority, on or after the 1st day of October 2011 and before the 22nd November 2011, which are in conformity

Validation.

with the provisions of the principal Act as amended by this Ordinance, shall, for all purposes, be deemed to be, and to have always been validly done or taken in accordance with law as if the principal Act, as amended by this Ordinance, had been in force at all material times when such things or actions were done or taken.

Repeal.

4. The Tamil Nadu Transparency in Tenders (Amendment) Ordinance, 2011 is hereby repealed.

Tamil Nadu  
Ordinance  
5 of 2011.

24th January 2012.

K. ROSAIAH,  
*Governor of Tamil Nadu.*

**EXPLANATORY STATEMENT**

According to clause (c) of section 16 of the Tamil Nadu Transparency in Tenders Act 1998 (Tamil Nadu Act 43 of 1998), as amended by Tamil Nadu Act 28 of 2006, the provisions of sections 9 and 10 of the said Act, relating to invitation and evaluation and acceptance of tender by the Tender Inviting Authority, shall not apply to procurement from certain departments of Government, public sector undertakings, statutory boards and such other institutions in respect of goods manufactured or services provided by them for a period not exceeding eleven years from the date of commencement of the said Tamil Nadu Act 43 of 1998, namely, the 1st October 2000. With a view to encourage the said departments, public sector undertakings, statutory boards and such other institutions to become viable and competitive in the purchase process, the Government have decided to extend the exemption provided to such Government Departments, public sector undertakings, etc., under clause (c) of section 16 of the said Tamil Nadu Act 43 of 1998 for a further period of five years on and from the 1st October 2011 and to amend the said clause (c) of section 16 of the said Act for the purpose. Accordingly, the Tamil Nadu Transparency in Tenders (Amendment) Ordinance, 2011 (Tamil Nadu Ordinance 5 of 2011) was promulgated by the Governor on the 20th November 2011 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 22nd November 2011.

2. After the promulgation of the said Tamil Nadu Transparency in Tenders (Amendment) Ordinance, 2011 (Tamil Nadu Ordinance 5 of 2011), the Legislative Assembly of the State re-assembled on the 15th December 2011. On that day, no other business, except passing a resolution on Mullai Periyar Dam was transacted in the Legislative Assembly. Therefore, the Bill to replace the Ordinance was not introduced in the Legislative Assembly on the 15th December 2011. The six weeks time limit specified in clause (2) of Article 213 of the Constitution starts from the 15th December 2011. As a result, the Ordinance would cease to operate on the 25th January 2012, on which date the six weeks period expires. Hence, it has been decided to promulgate again an Ordinance, to extend the exemption provided to such Government Departments, public sector undertakings, etc., under clause (c) of section 16 of the said Tamil Nadu Act 43 of 1998 for a further period of five years on and from the 1st October 2011 and to amend the said clause (c) of section 16 of the said Act for the purpose.

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

(By order of the Governor)

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