



# TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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## Part IV—Section 1

### Tamil Nadu Bills

#### BILL 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 2nd February 2012 is published together with Statement of Objects and Reasons for general information:—

#### L.A. Bill No. 1 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:—

1. (1) This Act may be called the Tamil Nadu Transparency in Tenders (Amendment) Act, 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 with the provisions of the principal Act as amended by this Act, 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 Act, had been in force at all material times when such things or actions were done or taken.

Validation.

Repeal and  
saving.

**4.** (1) The Tamil Nadu Transparency in Tenders (Amendment) Ordinance, 2012 is hereby repealed.

Tamil Nadu  
Ordinance 2  
of 2012.

(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.

**O. PANNEERSELVAM,**  
*Minister for Finance.*

**STATEMENT OF OBJECTS AND REASONS**

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 said 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. Accordingly, the Tamil Nadu Transparency in Tenders (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 2 of 2012) was promulgated by the Governor on the 24th January 2012 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, the dated 25th January 2012.

3. The Bill seeks to replace the said Ordinance.

**O. PANNEERSELVAM,**  
*Minister for Finance.*

A.M.P. JAMALUDEEN,  
*Secretary.*