



**TAMIL NADU
GOVERNMENT GAZETTE
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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 9th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 37 of 2021

A Bill further to amend the Tamil Nadu District Municipalities Act, 1920.

Short title and commencement.

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

1. (1) This Act may be called the Tamil Nadu District Municipalities (Amendment) Act, 2021.

Amendment of section 3.

(2) It shall come into force at once.

Tamil Nadu Act V of 1920.

2. In section 3 of the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the principal Act),—

(i) for clause (5), the following clause shall be substituted, namely:—

“(5) ‘Carriage’ means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw, palanquin and boat, but does not include any motor vehicle within the meaning of the Motor Vehicles Act, 1988 (Central Act 59 of 1988).”;

(ii) in clause (8), for the expression “the Indian Companies Act, 1913 (Central Act VII of 1913)”, the expression “the Companies Act, 2013 (Central Act 18 of 2013)” shall be substituted.

Amendment of section 124-J.

3. In section 124-J of the principal Act, for the Explanation under clause (c), the following Explanation shall be substituted, namely:—

“**Explanation.**— For the purpose of this clause, “person with disability” shall have the same meaning assigned to it under clause (s) of section 2 of the Rights of Persons with Disabilities Act, 2016 (Central Act 49 of 2016).”.

Amendment of section 250.

4. In section 250 of the principal Act,—

(i) in sub-section (4), in clause (a), for the expression “the Indian Factories Act, 1911 (Central Act XII of 1911)”, the expression “the Factories Act, 1948 (Central Act LXIII of 1948)” shall be substituted;

(ii) in sub-section (6), in the Explanation thereunder, for the expression “the Factories Act, 1934 (Central Act XXV of 1934)”, the expression “the Factories Act, 1948 (Central Act LXIII of 1948)” shall be substituted.

Amendment of section 306.

5. In section 306 of the principal Act, after clause (28), the following clause shall be inserted, namely:—

“(28-A) for registration of boats and regulation of boating activities in water bodies.”.

6. Throughout the principal Act, for the expressions “the Indian Substitution of Motor Vehicles Act, 1914”, “the Indian Electricity Act, 1910 certain (Central Act IX of 1910)”, “the Land Acquisition Act, 1894 (Central enactments. Act I of 1894)”, “the Cantonments Act, 1924 (Central Act II of 1924)”, “the Tamil Nadu Commercial Crops Markets Act, 1933 (Tamil Nadu Act XX of 1933)”, “the Indian Limitation Act, 1908 (Central Act IX of 1908)” and “the Code of Criminal Procedure, 1898 (Central Act V of 1898)”, wherever they occur, the expressions “the Motor Vehicles Act, 1988 (Central Act 59 of 1988)”, “the Electricity Act, 2003 (Central Act 36 of 2003)”, “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013)”, “the Cantonments Act, 2006 (Central Act 41 of 2006)”, “the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989)”, “the Limitation Act, 1963 (Central Act 36 of 1963)” and “the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall, respectively, be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Government have proposed to regulate the boating activities in Kodaikanal lake, which is under the control of Kodaikanal Municipality, for the purpose of ensuring the safety and security of the passengers and boat operators by providing for registration of boats and issue of fitness certificate for the boats to ply or sail in the lake and also to protect the environmental conditions in one of the most prestigious and popular tourist destination so that the visiting tourists can enjoy the beauty of nature around the lake and thereby revenue to the Municipality may also be augmented.

2. There is no enabling provision in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) for regulating the boating activities within the limits of a municipality and also to make by-laws by the Council of Municipality for the said purpose. The Government have therefore, decided to amend the said Tamil Nadu Act V of 1920 so as to achieve the objects in view. Further, certain enactments occurring in the said Act have already been repealed and re-enacted. Hence, by taking this opportunity, those repealed enactments have also been proposed to be substituted.

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

K.N. NEHRU,
Minister for Municipal Administration.

Chennai,
9th September 2021.

K. SRINIVASAN,
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 9th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 38 of 2021

A Bill to repeal certain enactments.

WHEREAS it is expedient that the enactments specified in the Schedule which are spent or have otherwise become obsolete, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

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

1. This Act may be called the Tamil Nadu Repealing (Second) Act, 2021. Short title.

2. The enactments specified in the Schedule are hereby repealed. Repeal of certain enactments.

3. The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to; Savings.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE SCHEDULE.

REPEALS.

(See section 2)

S.No.	Year	Number	Short Title
(1)	(2)	(3)	(4)
<i>President's Act</i>			
1.	1976	32	The Tamil Nadu Panchayats (Extension of Term of Office) Act, 1976.
2.	1976	33	The Tamil Nadu Panchayat Union Councils (Extension of Term of Office) Act, 1976.
3.	1977	5	The Tamil Nadu Panchayat Union Councils (Appointment of Special Officers) Act, 1977.
<i>Tamil Nadu Acts</i>			
4.	1876	I	The Tamil Nadu Land Revenue Assessment Act, 1876.
5.	1886	IV	The Railway Protection Act, 1886.
6.	1888	I	The Tamil Nadu Local Authorities' Loan Act, 1888.
7.	1904	II	The Tamil Nadu Impartible Estates Act, 1904.
8.	1914	VIII	The Tamil Nadu Decentralization Act, 1914.
9.	1930	IX	The Sevvalpatti Impartible Estate Act, 1930.
10.	1931	VI	The East and West Tanjore Sessions Divisions (Validation) Act, 1931.
11.	1933	IX	The Velliyakundam Impartible Estate Act, 1933.
12.	1935	VII	The Tamil Nadu Debtors' Protection Act, 1934.
13.	1936	XI	The Tamil Nadu Debt Conciliation Act, 1936.
14.	1937	III	The Tamil Nadu Probation of Offenders Act, 1936.
15.	1938	XIV	The Prisons and Indian Lunacy (Tamil Nadu Amendment) Act, 1938.
16.	1947	XXIX	The Tamil Nadu Probation of Offenders (Amendment) Act, 1947.
17.	1947	XXXIV	The Opium and Dangerous Drugs (Tamil Nadu Amendment) Act, 1947.
18.	1948	V	The Tamil Nadu Lapsed Acts (Removal of Doubts) Act, 1948.
19.	1948	VII	The Tamil Nadu Re-enacting and Repealing (No.I) Act, 1948.
20.	1948	VIII	The Tamil Nadu Re-enacting (No.II) Act, 1948.
21.	1948	IX	The Tamil Nadu Re-enacting (No.III) Act, 1948.
22.	1949	X	The Tamil Nadu Re-enacting Act, 1949.
23.	1949	XXI	The Prisoners (Tamil Nadu Amendment) Act, 1949.

S.No.	Year	Number	Short Title
(1)	(2)	(3)	(4)
24.	1949	XXIV	The Tamil Nadu Tenants and Ryots Protection Act, 1949.
25.	1949	XXXV	The Tamil Nadu Merged States (Laws) Act, 1949
26.	1950	III	The Tamil Nadu Re-enacting Act, 1950.
27.	1951	XXXII	The Opium (Tamil Nadu Amendment) Act, 1951.
28.	1953	VII	The Evacuee Interest (Separation) Tamil Nadu Supplementary Act, 1953.
29.	1953	XI	The Tamil Nadu Lignite (Acquisition of Land) Act, 1953.
30.	1957	XXI	The Tamil Nadu Registration of Veterinary Practitioners Act, 1957.
31.	1958	VIII	The Tamil Nadu Prohibition (Amendment) Act, 1958.
32.	1959	6	The Tamil Nadu Gramdan Villages (Repayment of Debts) Act, 1959.
33.	1959	8	The Tamil Nadu Public Health (Amendment) Act, 1959.
34.	1961	3	The Evacuee Interest (Separation) Tamil Nadu Supplementary Act, 1961.
35.	1961	9	The Tamil Nadu (Added Territory) Extension of Laws Act, 1961.
36.	1961	11	The Tamil Nadu Agricultural Income-tax (Extension to Added Territory) Act, 1961.
37.	1961	20	The Tamil Nadu Entertainments Tax (Amendment) Act, 1961.
38.	1961	28	The Tamil Nadu District Development Councils and Panchayats (Extension to Added Territory) Act, 1961.
39.	1961	52	The Tamil Nadu Local Authorities Finance Act, 1961.
40.	1962	16	The Tamil Nadu Industrial Establishments (National and Festival Holidays) Amendment Act, 1962.
41.	1966	23	The Tamil Nadu Private Educational Institutions (Regulation) Act, 1966.
42.	1967	4	The Tamil Nadu Prohibition (Amendment) Act, 1967.
43.	1968	16	The Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1968.
44.	1968	20	The Tamil Nadu Proprietary Estates' Village Service and Tamil Nadu Hereditary Village Offices (Repeal) Act, 1968.
45.	1970	16	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1970.
46.	1970	33	The Tamil Nadu Prohibition (Amendment) Act, 1970.
47.	1971	36	The Tamil Nadu Registration of Practitioners of Integrated Medicine (Amendment) Act, 1971.
48.	1972	18	The Tamil Nadu (Transferred Territory) Extension of Laws Act, 1972.

S.No.	Year	Number	Short Title
(1)	(2)	(3)	(4)
49.	1972	21	The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972.
50.	1972	26	The Tamil Nadu Excise (Amendment) Act, 1972.
51.	1973	29	The Tamil Nadu Local Authorities Finance (Amendment) Act, 1973.
52.	1973	37	The Tamil Nadu Prohibition (Suspension of Operation) Amendment Act, 1973.
53.	1973	38	The Tamil Nadu Excise (Amendment) Act, 1973.
54.	1973	42	The Tamil Nadu Local Authorities Finance (Second Amendment) Act, 1973.
55.	1974	34	The Tamil Nadu Prohibition (Revival of Operation and Amendment) Act, 1974.
56.	1974	38	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1974.
57.	1975	32	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1975.
58.	1975	34	The Tamil Nadu Panchayats and Panchayat Union Councils (Extension of Term of Office) Act, 1975.
59.	1978	5	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1978.
60.	1979	51	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1979.
61.	1979	60	The Tamil Nadu Panchayats (Appointment of Special Officers) Act, 1979.
62.	1980	15	The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1980.
63.	1980	16	The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants Arrears of Rent (Relief) Act, 1980.
64.	1981	3	The Tamil Nadu Abolition of posts of part-time Village Officers Act, 1981.
65.	1982	27	The Tamil Nadu Panchayats (Validation of Local Cess Surcharge) Act, 1982.
66.	1983	26	The Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1983.
67.	1984	25	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1984.
68.	1984	29	The Tamil Nadu Cultivating Tenants (Special Provisions) Act, 1984.
69.	1984	32	The Tamil Nadu Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1984.
70.	1986	53	The Tamil Nadu Flood Affected Areas Cultivating Tenants (Temporary Relief) Act, 1986.

S.No.	Year	Number	Short Title
(1)	(2)	(3)	(4)
71.	1986	60	The Tamil Nadu Cyclone and Flood Affected Areas Cultivating Tenants (Special Provisions) Act, 1986.
72.	1989	40	The Tamil Nadu Entertainments Tax and Local Authorities Finance (Amendment) Act, 1989.
73.	1989	41	The Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1989.
74.	1990	38	The Tamil Nadu Cultivating Tenants Arrears of Rent (Relief) Act, 1990.
75.	1993	35	The Tamil Nadu Registration of Veterinary Practitioners (Amendment) Act, 1993.
76.	1997	20	The Tamil Nadu Cultivating Tenants (Protection from Eviction) Act, 1997.

STATEMENT OF OBJECTS AND REASONS.

The State Law Commission, Tamil Nadu has recommended in its various Reports to repeal certain enactments, as the said enactments have become obsolete and redundant. Further, the Government of India has mandated all States to take up regulatory compliance burden reduction as a part of ease of doing business initiative and to take up review of their statutes and reduce redundancy. The Government have considered the said recommendations of the State Law Commission and the request of the Government of India and decided to repeal the obsolete and redundant laws.

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

S. REGUPATHY,
Minister for Law.

Chennai,
9th September 2021.

K. SRINIVASAN,
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 9th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 39 of 2021

A Bill further to amend the Tamil Nadu Dr.M.G.R. Medical University Chennai, Act 1987.

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

1. (1) This Act may be called the Tamil Nadu Dr. M.G.R. Medical University, Chennai (Second Amendment) Act, 2021.

Short title and commencement.

(2) It shall be deemed to have come into force on the 26th day of February 2021.

Tamil Nadu Act
37 of 1987.

2. In section 67 of the Tamil Nadu Dr. M.G.R. Medical University, Chennai, Act, 1987, (hereinafter referred to as the principal Act), after sub-section (4), the following sub-section shall be inserted, namely:—

Amendment of section 67.

Tamil Nadu Act
20 of 2013.

“(4A) Notwithstanding anything contained in this Act, the statutes, ordinances and regulations continued in force under the Annamalai University Act, 2013 or made under this Act, every person who immediately before the 26th February 2021 was a student of the Annamalai University or was eligible to appear for any of the examinations in medical science, dentistry or nursing of the Annamalai University, shall be permitted to complete his course of study in the Annamalai University and the Tamil Nadu Dr. M.G.R. Medical University, Chennai shall make arrangements for the instruction, teaching and training for such students for such period and in such manner as may be determined by the Tamil Nadu Dr. M.G.R. Medical University, Chennai in accordance with the course of study in the Annamalai University, and such students shall, during such period, be admitted to the examinations held or conducted by the Annamalai University and the corresponding degree, diploma or other academic distinctions of the Annamalai University shall be conferred upon the qualified students on the result of such examinations, by the Annamalai University.”;

3. In the Schedule to the principal Act,—

Amendment of Schedule.

(1) under the heading “I. Government Medical Colleges.— Under the control of Director of Medical Education”, after the entry “8.Chengalpattu Medical College, Chengalpattu.”, the following entry shall be added, namely:—

“9. Rajah Muthiah Medical College and Hospital, Annamalai Nagar, Chidambaram.”;

(2) under the heading “III. Government Dental College—,” for the entry “Madras Dental College, Chennai.”, the following entries shall be substituted, namely:—

“1. Madras Dental College, Chennai.

2. Rajah Muthiah Dental College and Hospital, Annamalai Nagar, Chidambaram.”;

(3) under the heading “V. Government College of Nursing—,” for the entry “Madras Medical College, Chennai.”, the following entries shall be substituted, namely:—

“1. Madras Medical College, Chennai.

2. Rani Meyyammai College of Nursing, Annamalai Nagar, Chidambaram.”.

STATEMENT OF OBJECTS AND REASONS

Rajah Muthiah Medical College and Hospital, Rajah Muthiah Dental College and Hospital and Rani Meyyammai College of Nursing under the control of the Annamalai University were ordered to be handed over to the Government in Health and Family Welfare Department and treated as Government Medical Institutions *vide* G.O.(Ms.) No.16, Higher Education Department, dated 27-01-2021. The Annamalai University Act, 2013 (Tamil Nadu Act 20 of 2013) and the Tamil Nadu Dr.M.G.R.Medical University, Chennai, Act, 1987 (Tamil Nadu Act 37 of 1987) have been amended for the said purpose *vide* the Annamalai University and the Tamil Nadu Dr.M.G.R. Medical University, Chennai (Amendment) Act, 2021 (Tamil Nadu Act 7 of 2021).

2. Now, it has been decided that the students who were admitted in the said Medical Institutions upto the academic year 2020-2021 and are now continuing as students in the said institutions may be conferred degrees / diplomas of the Annamalai University, itself. The Government have, therefore, decided to amend the Tamil Nadu Dr.M.G.R.Medical University, Chennai, Act, 1987 (Tamil Nadu Act 37 of 1987) suitably, for the purpose.

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

Ma. SUBRAMANIAN,
Minister for Health & Family Welfare

Chennai,
9th September 2021.

K. SRINIVASAN,
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 9th September, 2021 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 40 of 2021

A Bill to constitute a Commission for the Scheduled Castes and Scheduled Tribes in the State of Tamil Nadu and to provide for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to constitute a Commission for the Scheduled Castes and Scheduled Tribes and to provide for matters connected therewith or incidental thereto;

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

CHAPTER – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes Act, 2021.

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

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

Short title,
extent and
commence-
ment.

Definitions.

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

(a) “Chairperson” means the Chairperson of the Commission nominated under section 3;

(b) “civil rights” means any right accruing to a person by reason of the abolition of untouchability by Article 17 of the Constitution of India;

(c) “Commission” means the Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes constituted under section 3;

(d) “Government” means the State Government;

(e) “Member” means a Member of the Commission and includes the Chairperson, the Vice-Chairperson and the Member-Secretary;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “Scheduled Castes and Scheduled Tribes” shall have the meanings, respectively, assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India;

(h) “State” means the State of Tamil Nadu.

CHAPTER – II.

TAMILNADU STATE COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES.

Constitution of
Commission.

3. (1) The Government shall, by notification, constitute a body to be known as the Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes to exercise the powers conferred on and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of,—

(i) the following Members to be nominated by the Government, namely:—

(a) the Chairperson, who shall be a retired Judge of the High Court belonging to any of the Scheduled Castes or Scheduled Tribes and has special knowledge in matters relating to the Scheduled Castes and Scheduled Tribes;

(b) the Vice-Chairperson, who shall be a prominent person belonging to any of the Scheduled Castes or Scheduled Tribes, who has worked for the welfare of the Scheduled Castes and Scheduled Tribes;

(c) five Members, of which three Members shall belong to any of the Scheduled Castes, one shall belong to any of the Scheduled Tribes and one shall be a prominent person having special knowledge in matters relating to Scheduled Castes and Scheduled Tribes:

Provided that one of the members shall be a woman; and

(ii) a Member–Secretary, to be appointed by the Government from amongst the officers of the Indian Administrative Service, not below the rank of Additional Secretary to Government.

4. (1) Subject to the pleasure of the Government, the Chairperson, the Vice-Chairperson and every Member of the Commission shall hold office for such period, not exceeding three years and shall be eligible for re-nomination for a second term:

Provided that the Chairperson shall hold office as such till the date on which he attains the age of seventy years and the Vice-Chairperson and the other Members shall hold office as such till the date on which they attain the age of sixty-five years.

Provided further that if the Chairperson is by reason of absence or for any other reason, unable to perform the duties of his office, those duties shall, until a Chairperson has been nominated under section 3 and entered on the duties thereof or until the Chairperson has assumed his duties, as the case may be, be performed by the Vice-Chairperson, or such other Member, as directed by the Government:

Provided also that the successor so nominated shall hold office only for the remainder of the term of the Member in whose place he has been nominated.

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

Term of office
and conditions
of service of
Chairperson,
Vice-
Chairperson
and Members.

(3) Notwithstanding anything contained in sub-section (1), the Government shall remove a person from office of the Chairperson, the Vice-Chairperson or any Member, if that person,—

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

Provided that no member shall be removed from his office until that member has been given a reasonable opportunity of being heard.

(4) The honorarium and allowances payable to, and the other terms and conditions of service of, the Chairperson, the Vice-Chairperson and Members shall be such as may be prescribed.

5. (1) The Commission shall meet as and when necessary at least once in three months, and shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by Commission.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other Officer of the Commission duly authorised by the Member-Secretary in this behalf.

Vacancies, etc. not to invalidate proceedings of Commission.

6. 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 Chairperson or the Vice-Chairperson or a member or any irregularity in the procedure of the Commission, including in issuing of notice for holding of a meeting, not affecting the merits of the matter.

Officers and other employees of Commission.

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

(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 Chairperson.

CHAPTER – III.

FUNCTIONS OF THE COMMISSION.

Functions of
Commission.

8. The functions of the Commission shall be as follows,—

(a) inquire, suo moto or on a petition presented to it by a victim or by any person on his behalf, into complaint of,—

(i) violation of any rights provided in the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the rules made thereunder or abetment thereof;

Central Act 22 of
1955.
Central Act 33 of
1989.

(ii) negligence in the prevention of such violation, by a public servant;

(b) inquire and recommend to the Government to initiate disciplinary action in cases where the Commission is of the view that any public servant has been grossly negligent or grossly indifferent in the discharge of his duties in regard to the protection of the interests of the Scheduled Castes and Scheduled Tribes;

(c) evaluate the working of various safeguards and civil rights accruing to a person as stipulated, in the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 or in any other law, regulation or order passed by the Union and the State Governments and to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution or under any other law for the time being in force;

Central Act 22 of
1955.
Central Act 33 of
1989.

(d) make recommendations with a view to ensure effective implementation and enforcement of all safeguards under the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 or any other law for the time being in force;

Central Act 22 of
1955.
Central Act 33 of
1989.

(e) undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the Scheduled Castes and Scheduled Tribes;

(f) inquire into specific complaints of deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(g) spread literacy among various sections of the society regarding the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and to promote awareness of the safeguards available for the protection of these rights through publications, media, seminars and other available means;

Central Act 22 of
1955.
Central Act 33 of
1989.

(h) conduct studies, research and analysis on the question of avoidance of discrimination against the Scheduled Castes and Scheduled Tribes;

(i) suggest appropriate legal and welfare measures in respect of the Scheduled Castes and Scheduled Tribes to be undertaken by the Government;

(j) monitor the working of laws in force concerning the Scheduled Castes and Scheduled Tribes Women with a view to identify the areas where the enforcement of laws is not effective or has not been streamlined and recommend executive or legislative measures to be undertaken;

(k) encourage the efforts of non-governmental organizations and institutions working, in the field of human rights or for the upliftment and betterment of the Scheduled Castes and Scheduled Tribes;

(l) send periodical reports in such manner and at such intervals, as may be prescribed, to the Government; and

(m) exercise such other functions as may be conferred or enjoined upon it by this Act or the rules made thereunder:

Provided that if the National Commission for Scheduled Castes established under Article 338 of the Constitution or the National Commission for Scheduled Tribes established under Article 338-A of the Constitution is seized of any matter, the Commission shall cease to have jurisdiction on such matter and in case of conflicting recommendations, the recommendation of the National Commission for Scheduled Castes or the National Commission of Scheduled Tribes, as the case may be, shall prevail over the recommendation of the Commission.

9. The Commission shall, while discharging any of the functions under section 8, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

10. The Government may consult the Commission on major policy matters affecting the Scheduled Castes and Scheduled Tribes.

CHAPTER – IV.

FINANCE, ACCOUNTS AND AUDIT.

11. (1) The Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the Government may think fit, for being utilised for the purposes of this Act.

(2) The Commission may spend such sums out of the grants as it thinks fit for discharging its functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in subsection (1).

Central Act V of
1908.

Powers of
Commission.

Government
to consult
Commission.

Grants by the
Government.

(3) The honorarium and allowances payable to the Chairperson, the Vice-Chairperson, Members and the administrative expenses, including salaries and allowances payable to the Member-Secretary, officers and other employees of the Commission, shall be paid out of the grants referred to in sub-section (1).

Accounts and
audit.

12. (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.

(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 Member-Secretary 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 and shall cause to be published in such manner, 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 defects, if any, disclosed in the audit report, and the Commission shall comply with such direction.

13. The Commission shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government.

Annual report.

14. The Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein in so far as they relate to the Government and the audit report to be laid, as soon as may be, after the reports are received, before the Legislative Assembly.

Annual report
and audit
report to be
laid before the
Legislative
Assembly.

CHAPTER – V.

MISCELLANEOUS.

Central Act XLV
of 1860.

15. The Chairperson, the Vice-Chairperson, Members, officers and employees of the Commission, when acting or purporting to act in pursuance of any of the provisions of this Act, or any rule or order or direction made or issued under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson,
Vice-
Chairperson,
Members,
Officers and
employees of
Commission
to be public
servants.

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

Protection of
action taken in
good faith.

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

Power to make
rules.

(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 honorarium and allowances payable to, and other terms and conditions of service of, the Chairperson, the Vice-Chairperson and Members under sub-section (4) of section 4 and the salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees under sub-section (2) of section 7;

(b) the form and the manner in which the accounts and the form in which the annual statement of accounts, shall be prepared under sub-section (1) of section 12;

(c) the form in which, and the time at which the annual report shall be prepared under section 13;

(d) in such manner and the intervals at which periodical reports are to be sent by the Commission to the Government;

(e) any other matter which is required to be, or may 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 rules, notifications or orders 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 order 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 makes any modification in any such rule, notification, or order, or the Legislative Assembly decides that the rule, notification, or order should not be made or issued, the rule, notification, 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.

Statements made
by persons to
Commission.

18. No statement made by a person in the course of giving evidence before the Commission or any officer or agency or the person referred to in section 9, shall subject him to, or be used against him, in any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(a) is made in reply to a question which is required by the Commission or such officer or agency or such person to answer, or

(b) is relevant to the subject matter under investigation.

Application of
other laws not
barred.

19. Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Power to remove
difficulties.

20. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order, published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS.

To Safeguard the welfare of Scheduled Castes and Scheduled Tribes and to protect and develop their economic and social well being, the Government have decided to constitute a commission, with such powers and functions as may be necessary for the purpose.

The Bill seeks to give effect to the above decision

N. KAYALVIZHI SELVARAJ,
Minister for Adi Dravidar Welfare.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(3),3(1),4(4),7(2),8(e),9(f),12(1)(3)(6) and (7),13, 17 and 20 of the Bill empower the Government to issue notifications or to pass orders or to make rules, as the case may be, for the purposes specified therein.

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

N. KAYALVIZHI SELVARAJ,
Minister for Adi Dravidar Welfare.

FINANCIAL MEMORANDUM

The Tamil Nadu State Commission for Scheduled Castes and Scheduled Tribes Bill, 2021 which when enacted and brought into operation would involve expenditure from the Consolidated Fund of State in the implementation of the Act. It is however not possible at this stage to estimate with any degree of accuracy the expenditure to be incurred as a result of the proposed legislation.

N. KAYALVIZHI SELVARAJ,
Minister for Adi Dravidar Welfare.

Chennai,
9th September 2021.

K. SRINIVASAN,
Secretary.