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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 Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 6 of 2024

**A BILL FURTHER TO AMEND THE TAMIL NADU
PANCHAYATS ACT, 1994.**

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

Short title and commencement.

1. (1) This Act may be called the Tamil Nadu Panchayats (Fourth Amendment) Act, 2024.

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

Insertion of new section 144-A.

2. After section 144 of the Tamil Nadu Panchayats Act 1994, the following section shall be inserted, namely:—

Tamil Nadu
Act 21 of 1994.

“144-A. Management of faecal sludge and septage.— (1) No person shall collect, transport or dispose faecal sludge or septage from any building, whether used for residential or commercial or institutional purposes, within the panchayat limits, without a valid licence granted under the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999):

Provided that no such licence is necessary for the collection, transportation and disposal of faecal sludge or septage by any local authority or statutory board of the Government.

(2) The owner or occupier, as the case may be, of a building or part thereof located within the panchayat limits shall,—

(a) ensure construction of the septic tank or such on-site sanitation system conforming to the requirements of the National Building Code, 2016;

(b) conduct regular desludging as per the design and operations requirement of the septic tank or the on-site sanitation system as per the National Building Code, 2016;

(c) ensure that no person other than a licensee is engaged or caused to be engaged for the collection, transportation or disposal of faecal sludge and septage from his building;

(d) ensure that no person is engaged or employed, either directly or indirectly for hazardous cleaning of a septic tank or on-site sanitation system, as prohibited in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Central Act 25 of 2013).

(3) Every licensee shall,—

(a) follow the terms and conditions of the licence in accordance with the provisions of section 179-D of the Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999) and the rules made thereunder, subject to the time, route and decantation place, as may be notified by the Inspector under sub-section (4);

(b) pay decantation fee not exceeding five hundred rupees per trip, as may be prescribed, for usage of the disposal facility or the decantation place;

(c) maintain a log book in the prescribed format for recording of each trip undertaken for collection, transportation and disposal of faecal sludge and septage and submit it to the Inspector before the 10th day of every quarter in a year;

(4) (a) The Inspector shall notify in the District Gazette or upload in the website or portal,—

(i) the place, time and route for decanting the faecal sludge or septage;

(ii) the updated list of licensees; and

(iii) a mechanism for filing complaints or reporting violations against the licensees.

(b) In the event of receipt of information of spillage of septage, the executive authority shall immediately direct the licensee or the person in-charge of the specified vehicle to take action to contain the septage, minimise the environmental impact and remove all septage immediately from the site of spillage.

(c) The District Level Monitoring Committee consisting of such officers, as may be prescribed, shall monitor the movement of the specified vehicles within the panchayat limits by means such as inspection or Global Positioning System fitted in the specified vehicles, to prevent disposal of faecal sludge and septage in places other than those identified for decanting.

(5) If any person contravenes or fails to comply with this section shall be punishable for the first offence with fine, which may extend to twenty five thousand rupees and for the second or any subsequent offences with fine, which may extend to fifty thousand rupees.

(6) (a) The District Level Monitoring Committee may request the licensing authority to suspend the licence, if the licensee commits breach of any of the terms and conditions of licence or any of the provisions of this section.

(b) The District Level Monitoring Committee may request the licensing authority to cancel the licence, if the licensee is imposed with penalty for the second offence under this section.

(7) (a) Notwithstanding anything contained in this Act or in any other law for the time being in force, where an offence under this section is believed to have been or is being committed, any officer, not lower in rank than that of a Block Development Officer (Village Panchayats), may seize any vehicle or other articles including motor, pump, tube, tool or equipment used for the commission of such offence and shall without unreasonable delay, produce the same before the Assistant Director (Panchayats).

(b) Where any such vehicle or other article is produced before the Assistant Director (Panchayats) and if he is satisfied that an offence under this section has been committed, the Assistant Director (Panchayats) may, whether or not prosecution is instituted for such offence, he may, without prejudice to any other penalty to which the offender is liable under this section, order confiscation of the vehicle or the articles so seized:

Provided that before passing an order of confiscation, the owner or the person from whom such vehicle or article is seized, shall be given—

(i) notice in writing informing him of the grounds on which it is proposed to confiscate; and

(ii) an opportunity of making a representation in writing and an opportunity of being heard in the matter.

(c) Where the Assistant Director (Panchayats), after passing an order of confiscation under clause (b), is of the opinion that it is expedient in the public interest to do so, he may order the confiscated vehicle or the articles, to be sold by public auction.

(d) Where any confiscated property is sold under clause (c), and where the order of confiscation made under clause (b) is set aside or annulled by an order under sub-section (8), the proceeds of such sale, after deduction of the expenses of, or incidental to such auction, shall be paid to the owner thereof or to the person from whom it was seized, as may be specified in such order.

(8) (a) Any person aggrieved by an order made under sub-section (7) may appeal to the Inspector within thirty days in such manner as may be prescribed;

(b) In deciding the appeal, the Inspector shall follow such procedure, as may be prescribed and the decision of the Inspector on such appeal shall be final.

Explanation.— For the purpose of this section, the terms “disposal facility”, “licensing authority”, “faecal sludge”, “licensee”, “septage” and “specified vehicle” shall have the same meaning assigned to them in section 179-A of the Tamil Nadu Urban Local Bodies Act, 1998 (*Tamil Nadu Act 9 of 1999*).”.

STATEMENT OF OBJECTS AND REASONS.

Indiscriminate disposal of faecal sludge and septage in open environment and water bodies poses a great danger to the environment. Therefore, it is imperative to regulate the operation and movement of the lorries, trailers or any other vehicles used for decanting of septic tanks and transportation of faecal sludge and septage to ensure safe disposal of the faecal sludge and septage in Village Panchayat areas.

2. Accordingly, the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) suitably for the aforesaid purpose.

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

I. PERIYASAMY,
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

New section 144-A proposed to be inserted by clause 2 of the Bill authorise the Government to make rules for the purposes specified therein.

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

I. PERIYASAMY,
Minister for Rural Development.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 7 of 2024

**A BILL FURTHER TO AMEND THE TAMIL NADU
PANCHAYATS ACT, 1994.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventh-fifth year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Panchayats (Fifth Amendment) Act, 2024. Short title and commencement.

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

Tamil Nadu Act 21 of 1994. 2. After section 110 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— Insertion of new section 110-A.

“110-A Solid waste management.— (1) It shall be the duty of the panchayat to manage the solid waste so as to keep the public place clean, by adopting a system of collection of segregated waste at source, transportation, processing and disposal of solid waste scientifically in a place specifically allotted for this purpose by the panchayat, either within or outside the panchayat limit.

(2) The public, households, commercial establishments and other institutions shall segregate the solid waste generated by them and dispose of it or hand it over to the panchayat in such manner as may be prescribed.”.

3. In section 136 of the principal Act, for the expression “filth”, the expression “filth, solid waste” shall be substituted. Amendment of section 136.

STATEMENT OF OBJECTS AND REASONS.

As per the Solid Waste Management Rules, 2016, made under the Environment (Protection) Act, 1986 (Central Act 29 of 1986), it is the responsibility of local bodies to manage solid waste generated within its limits in a scientific manner. Hence, it is necessary to cast a duty on the village panchayats to effectively collect the solid waste and dispose it scientifically. Accordingly, the Government have decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) suitably.

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

I. PERIYASAMY,
Minister for Rural Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 2 of the Bill empowers the Government to make rules to carry out the purposes specified therein.

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

I. PERIYASAMY,
Minister for Rural Development.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal 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 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 8 of 2024

A BILL FURTHER TO AMEND THE TAMIL NADU HIGHWAYS ACT, 2001.

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

1. (1) This Act may be called the Tamil Nadu Highways (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act 34 of 2002.

2. In the Tamil Nadu Highways Act, 2001 (hereinafter referred to as the principal Act), in section 2, — Amendment of section 2.

(1) for clause (13), the following clause shall be substituted, namely:—

“(13) “Administrator” means the officer appointed under sub-section (2) of section 5;”;

(2) for clause (21), the following clause shall be substituted, namely:—

“(21) “State Chief Administrator” means the officer appointed under sub-section (1) of section 5;”.

3. Throughout the principal Act, for the expressions “State Highways Authority” “Highways Authority” and “Highways Authorities”, wherever they occur, the expressions “State Chief Administrator” “Administrator” and “Administrators” shall, respectively, be substituted. Substitution of expressions “State Highways Authority” “Highways Authority” and “Highways Authorities”.

STATEMENT OF OBJECTS AND REASONS.

The Government have decided to change the designations "State Highways Authority" and "Highways Authority" in the Tamil Nadu Highways Act 2001 (Tamil Nadu Act 34 of 2002) as "State Chief Administrator" and "Administrator", respectively. To give effect to the said decision, the Government have decided to amend the said Tamil Nadu Act 34 of 2002 suitably.

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

E.V.VELU,
Minister for Public Works.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 9 of 2024

A Bill to provide for the establishment of an Authority for the construction, development, maintenance and management of the highways vested in, or entrusted to, that Authority and for matters connected therewith or incidental thereto.

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

CHAPTER – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu State Highways Authority Act, 2024. Short title,
extent and
commencement.
- (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.
2. In this Act, unless the context otherwise requires,— Definitions.
- (a) “authorised entity” means any local authority or other entity to which a highway is entrusted by the Authority under sub-section (1) of section 26;
- (b) “Authority” means the Tamil Nadu State Highways Authority established under section 3;
- (c) “Chairperson” means the Chairperson of the Authority;
- (d) “employee” means a person in the full-time regular service of the Authority;
- (e) “Fund” means the Tamil Nadu State Highways Authority Fund constituted under sub-section (1) of section 15;
- (f) “Government” means the State Government;
- (g) “highway” means any highway or any stretch thereof vested in, or entrusted to, the Authority under section 9;
- (h) “officer” means an officer of the Authority specified in the regulations;
- (i) “member” means a member of the Authority and includes the Chairperson;
- (j) “prescribed” means prescribed by rules made under this Act;
- (k) “regulations” means regulations made by the Authority under this Act;
- (l) “State” means the State of Tamil Nadu;

(m) words and expressions used and not defined herein but defined in the Tamil Nadu Highways Act, 2001 shall have the meaning respectively assigned to them in that Act. Tamil Nadu Act 34 of 2002

CHAPTER-II.

THE TAMIL NADU STATE HIGHWAYS AUTHORITY.

Establishment of the Tamil Nadu State Highways Authority.

3. (1) The Government may, by notification, establish an Authority to be called the Tamil Nadu State Highways Authority, to exercise the powers conferred on, and perform the functions assigned to, it under this Act.

(2) The Authority shall be a body corporate by the aforesaid name, having perpetual succession and a common seal. Subject to the provisions of this Act, the Authority shall have the power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue or be sued.

(3) The Authority shall consist of—

- (i) a Chairperson;
- (ii) three full-time members; and
- (iii) three part-time members,

to be appointed by the Government, by notification in the *Tamil Nadu Government Gazette*.

(4) The Chairperson and the members shall possess such qualifications and experience as may be prescribed.

Term of office and conditions of service of members.

4. (1) The term of office of the members and other conditions of service shall be such as may be prescribed.

(2) No person shall be appointed as a member after attaining the age of sixty-two years or shall serve in such capacity after attaining the age of sixty-five years.

(3) The Government may, in its discretion, terminate the term of office of any member, at any time by giving a notice of three months or the salary and allowances in lieu thereof.

(4) Subject to the terms and conditions as may be prescribed, any person who ceased to be a member shall be eligible for reappointment as a member.

Disqualifications for appointment as a member.

5. A person shall be disqualified for being appointed as a member, if such person,—

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude;
- (b) is an undischarged insolvent;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) has been removed or dismissed from the service of the Central or any State Government or a Corporation or Public Sector Undertaking owned or controlled by such Government; or

(e) in the opinion of the Government, has, such financial or other interest in the Authority as is likely to affect prejudicially the discharge of functions as a member.

6. (1) The Authority shall meet at such times and at such places and shall observe such rules of procedure governing the transaction of its business at its meetings, including the quorum thereat, as may be specified in the regulations.

Meetings of the Authority.

(2) If, the Chairperson is unable to attend a meeting of the Authority, for any reason, any other member chosen by the members present at the meeting shall preside over that meeting.

(3) All matters which are placed for the decision of the Authority in any of its meetings shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes, the Chairperson, or in his absence, the member presiding over the meeting shall have and exercise a second or casting vote.

7. No act or proceedings of the Authority shall be invalidated merely by reason of, —

Vacancy in the Authority not to invalidate proceedings.

(a) any vacancy or any defect, in the constitution of the Authority;

(b) any defect in the appointment of a member of the Authority; or

(c) any irregularity in the procedure adopted by the Authority not affecting the merits of the case.

8. (1) For the purpose of discharging its functions, the Authority may appoint such number of officers and other employees as it may consider necessary on such terms and conditions as may be specified in the regulations.

Appointment of officers, consultants and other employees of the Authority.

(2) The Authority may appoint, from time to time, any person as adviser or consultant as it may consider necessary, on such terms and conditions as may be specified in the regulations.

CHAPTER III.

PROPERTY AND CONTRACTS.

9. The Government may, from time to time, by notification, vest in, or entrust to, the Authority, any highway declared as such under section 3 of the Tamil Nadu Highways Act, 2001 or any stretch thereof, for all or any of the purposes of this Act.

Power of the Government to vest or entrust any highway to the Authority.

10. (1) On and from the date of publication of the notification under section 9, in respect of a Highway —

Transfer of assets and liabilities of the Government to the Authority.

(a) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the Government, immediately before such date, for or in connection with the purposes of that highway shall be deemed to have been incurred, entered into and engaged to be done by, with or for, the Authority;

(b) all non-recurring expenditure incurred by the Government for or in connection with the purposes of that highway up to such date and declared to be capital expenditure by the Government shall, subject to such terms and conditions as may be prescribed, be treated as the capital provided by the Government to the Authority;

(c) all sums of money due to the Government in relation to that highway immediately before such date shall be deemed to be due to the Authority;

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the Government immediately before such date for any matter in relation to that highway may be continued or instituted by or against the Authority.

(2) If any dispute arises as to which of the assets, rights or liabilities of the Government have been transferred to the Authority, such dispute shall be decided by the Government.

Acquisition of land
for the Authority.

11. Any land required for the Authority for discharging its functions under this Act shall be deemed to be land needed for the purposes specified in sub-section (1) of section 15 of the Tamil Nadu Highways Act, 2001 and such land may be acquired for the Authority under the provisions of the said Act.

Tamil Nadu Act 34
of 2002

Contracts by the
Authority.

12. (1) Subject to sub-sections (2) to (4), the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act in such form and in such manner as may be specified in the regulations.

(2) Every contract on behalf of the Authority shall be entered into by the Chairperson or such other member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority.

(3) Such contracts or classes of contracts as may be specified in the regulations shall be affixed with the common seal of the Authority.

(4) Any contract exceeding such value or amount as the Government may prescribe shall be made only after obtaining the previous sanction of the Government.

CHAPTER-IV.

FUNCTIONS OF THE AUTHORITY.

Functions of the
Authority.

13. (1) Subject to the rules made under this Act, the Authority shall construct, develop, maintain or manage a highway, as the case may be, as has been specified in the notification issued under section 9.

(2) Without prejudice to the generality of sub-section (1), the Authority may, —

(a) to achieve its objects, *inter-alia*,—

(i) prepare immediate and long-term plans for the maintenance and up-gradation of the highway;

(ii) develop a scientific pavement management system for systematizing the maintenance operations;

(iii) lay down the standards for design and construction of the highways;

(iv) develop models for bringing in private and institutional funding, including international funding into the road sector;

(v) develop methods of performance based maintenance systems for the maintenance of highways by quality private contractors;

(vi) raise institutional resources for undertaking the maintenance and up-gradation of the highways;

(vii) maintain and upgrade the highways by encouraging private partnership and resources for these purposes;

(b) survey any highway or the lands abutting thereto;

(c) construct offices, workshops, way side amenities, townships, logistic parks or warehouses and establish and maintain hotels, motels, restaurants etc., at or near any highway, and at or near any other highway declared as such under section 3 of the Tamil Nadu Highways Act, 2001 with the prior approval of the Government;

(d) construct residential buildings and townships for its employees;

(e) regulate and control the plying of vehicles on any highway for the proper management thereof;

(f) develop and provide consultancy and construction services in India and abroad;

(g) carry on research activities in relation to the construction, maintenance, development and management of highways or any facilities thereof;

(h) provide such facilities and amenities for the users of a highway, as are, in the opinion of the Authority, necessary for the smooth flow of traffic on such highway;

(i) engage, or entrust any of its functions to, any body corporate owned or controlled by the Government;

(j) collect the toll, betterment charges and user charges or any other charges as may be prescribed for the services or benefits rendered in relation to the use of a highway at such rate as may be prescribed;

(k) form one or more companies under the Companies Act, 2013; and

(l) take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power or the discharge of any function conferred or assigned to it under this Act.

(3) Nothing contained in this section shall be construed as,—

Tamil Nadu Act 34
of 2002

Central Act 18 of
2013

(a) authorising the disregard of any law for the time being in force by the Authority; or

(b) authorising any person to institute any proceeding in respect of a duty or liability to which the Authority or its officers or other employees would not otherwise be subjected to under this Act.

CHAPTER-V.

FINANCE, ACCOUNTS AND AUDIT.

Additional capital and grants to the Authority by the Government.

14. The Government may, after due appropriation made by the State Legislature by law in this behalf,—

(a) provide any capital that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith, on such terms and conditions as the Government may determine; and

(b) pay to the Authority, on such terms and conditions as the Government may determine, by way of loans or grants such sums of money as the Government may consider necessary for the efficient discharge of its functions under this Act.

Fund of the Authority.

15. (1) There shall be constituted a Fund called the Tamil Nadu State Highways Authority Fund and there shall be credited thereto,—

(a) any grant or aid received by the Authority;

(b) any loan taken by the Authority or any borrowings made by it;

(c) toll, betterment charges, user charges and any other charges collected by the Authority; and

(d) any other sums received by the Authority.

(2) The Fund shall be utilized for meeting,—

(a) the expenses of the Authority in the discharge of its functions, having regard to the purposes for which such grants, loans or borrowings are received and for matters connected therewith or incidental thereto;

(b) the payment of salary, allowances and other remuneration and facilities provided to the members, officers and other employees of the Authority;

(c) payments to be made to the advisers or consultants engaged by the Authority; and

(d) the expenses on the objects and for the purposes authorised by this Act.

Budget.

16. The Authority shall prepare its budget for each financial year, in such form and at such time as may be prescribed, showing the estimated receipts and expenditure of the Authority and forward the same to the Government.

Investment of funds.

17. The Authority may invest its funds, including any reserve fund, in the securities of the Government or in such other manner as may be prescribed.

18. (1) The Authority may, with the consent of the Government or in accordance with the terms of any general or special authorisation given to it by the Government, borrow money from any source by issue of bonds, debentures or such other instruments, as it may deem necessary, for discharging all or any of its functions under this Act.

Borrowing powers of the Authority.

(2) Subject to such limits as the Government may prescribe, the Authority may borrow temporarily by way of overdraft or otherwise, such amounts as it may require for discharging all or any of its functions under this Act.

(3) The Government may guarantee in such manner, as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the borrowings made by the Authority under sub-section (1).

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

Annual report.

20. The accounts of the Authority shall be maintained and audited in consultation with the Accountant General of the State and the audited copy of accounts together with the auditor's report thereon shall be furnished to the Government in such manner and before such date, as may be prescribed.

Accounts and audit.

CHAPTER-VI.

MISCELLANEOUS.

21. The Authority may, by general or special order in writing, delegate any of its powers and functions under this Act, as it may deem necessary, except its powers to make regulations under section 30, to the Chairperson or any other member or any officer of the Authority, subject to such conditions and limitations, if any, as may be specified in that order.

Delegation of powers.

22. All orders, decisions and other instruments of the Authority shall be authenticated by the signature of the Chairperson or any other member or any officer of the Authority authorised by it in this behalf.

Authentication of orders and other instruments of the Authority.

23. When acting or purporting to act in pursuance of this Act, every member, officer and employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members, Officers and employees of the Authority to be public servants.

24. No suit, prosecution or other legal proceeding shall lie against any of the members, officers or employees of the Authority in respect of anything done or intended to be done by them in good faith, in the discharge of official functions or in exercise of the powers under this Act, the rules or the regulations.

Protection of action taken in good faith

25. The Authority may undertake to carry out any other work or services or any class of works or services as may be requested by the Government or any other body on such terms and conditions as may be agreed upon between the Authority and the Government and such body.

Power of the Authority to undertake certain works.

Power of the Government to temporarily divest the Authority of any highway.

26. (1) If, at any time, the Government is of the opinion that, it is necessary or expedient in public interest so to do, it may, by order in writing, direct the Authority to entrust the construction, development, maintenance and management of any highway, to any local authority or any other entity owned or controlled by the Government, with effect from such date and for such period as may be specified in that order and the Authority shall be bound to comply with such direction.

(2) Where construction, development, maintenance and management of any highway is entrusted by the Authority to the authorised entity under sub-section (1), the Authority shall cease to exercise and discharge all of its powers and functions under this Act in relation to such highway and such powers and functions shall be exercised and discharged by the authorised entity in accordance with the instructions issued by the Government from time to time:

Provided that the Government may by a general or special order direct that such of the powers and functions as may be specified in that order shall be exercised or discharged by the authorised entity only after obtaining the previous sanction of the Government.

(3) The Government may, for the reasons to be recorded in writing, reduce or extend the period mentioned in sub-section (1), as it may consider necessary.

(4) During the operation of an order under sub-section (1), the Government may, from time to time, issue such directions to the Authority as are necessary to enable the authorised entity to exercise the powers and discharge the functions of the Authority under this Act in relation to a highway, including transfer of any sum of money from the Fund to the authorised entity for the construction, development, maintenance and management of the highway and every such direction shall be complied with by the Authority.

(5) On the cessation of an order under sub-section (1) in relation to any highway,—

(a) the authorised entity shall cease to exercise and perform the powers and functions of the Authority under this Act in relation to such highway;

(b) the authorised entity shall hand over to the Authority any property, including any sum of money or other assets, held by it in connection with the entrustment of such highway to it; and

(c) the Authority shall continue to exercise and perform such powers and functions in accordance with the provisions of this Act in relation to such highway.

Power of the Government to supersede the Authority.

27. (1) If, at anytime, the Government is of the opinion,—

(a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on it by or under this Act;

(b) that the Authority has persistently defaulted in complying with any of the directions issued by the Government under this Act or in the discharge of the functions and duties imposed on it by or under this Act; or

(c) that circumstances exist which render it necessary in public interest to do so, the Government may, by notification, supersede the Authority for such period, not exceeding one year, as may be specified in the notification and on the expiry of such period, the Government may extend the period of supersession for another period not exceeding one year :

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (b), the Government shall give a reasonable opportunity to the Authority to show cause as to why it should not be superseded and shall consider the explanations and objections of the Authority, if any.

(2) Upon the publication of a notification superseding the Authority under sub-section (1),—

(a) all the members shall cease to hold such office from the date of supersession;

(b) all the powers, functions and duties exercisable or discharged by the Authority under this Act, shall be exercised or discharged by such person or persons as the Government may direct;

(c) the property owned or controlled by the Authority shall, until the Authority is reconstituted under sub-section (3), vest in the Government.

(3) On or before the expiry of the period or the extended period of supersession under sub section (1), the Government may, reconstitute the Authority. Any person who had vacated office under clause (a) of sub-section (2) shall also be eligible for reappointment as members.

(4) The Government shall, as soon as may be, cause the notification issued under sub-sections (1) or (3) alongwith a detailed report of any action taken under this section and the circumstances leading to such action, to be laid before the Legislative Assembly.

28. The Government may issue such directions, from time to time, to the Authority on policy matters not inconsistent with the provisions of this Act as it may deem necessary and the Authority shall give effect to such directions.

Power of the Government to issue directions.

29. (1) The Government may make rules to carry out all or any of the purposes of this Act.

Power of the Government to make rules.

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

(a) all matters expressly required or allowed by this Act to be prescribed in the rules;

(b) conditions of service of the members;

(c) the powers and duties of the Chairperson and of the members;

(d) the terms and conditions subject to which the non-recurring expenditure incurred by or for the Government or in connection with the purposes of any highway shall be treated as capital expenditure under clause (b) of sub-section (1) of section 10;

(e) the form in which and the time within which the Authority shall prepare its budget under section 16 and its annual report under section 19;

(f) the manner in which the Authority may invest its funds under section 17;

(g) the manner in which the accounts of the Authority shall be maintained and audited and the date before which the audited copy of the accounts together with the auditor's report thereon shall be furnished to the Government under section 20.

(3) All rules made and 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 day, shall come into force on the day on which they are so published.

(4) Every rule, notification or order made or 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 in the next session, the Assembly makes any modification in any such rule, notification or order or the Assembly decides that the rule, notification or order shall 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.

Power of the Authority to make regulations.

30. (1) The Authority may, with the previous approval of the Government by notification, make regulations not inconsistent with the provisions of this Act or the rules made thereunder to carry out the purposes of this Act.

(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 time and place of the meetings of the Authority and the procedure to be followed for the transaction of business at such meetings;

(b) the terms and conditions of service, method of recruitment and the remuneration of the officers, advisors, consultants and other employees of the Authority;

(c) the form and manner in which a contract or class of contracts may be made by the Authority;

(d) the contracts or classes of contracts which are to be affixed with the common seal of the Authority;

(e) the manner of preventing obstructions on the highways shall be prohibited for their normal functioning;

(f) the manner of prohibiting the parking or waiting of any vehicle or carriage on the highway except at places specified by the Authority;

(g) the manner of prohibiting or restricting access to any part of the highway;

(h) the manner of regulating or restricting advertisements on and around the highway; and

(i) generally for the efficient and proper maintenance and management of the highway.

31. (1) 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 such 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.

CHAPTER – VII.

APPLICABILITY OF THE TAMIL NADU HIGHWAYS ACT, 2001 TO A HIGHWAY ENTRUSTED TO THE AUTHORITY.

32. Sections 8 to 14, 26 to 55, 57 to 61, 63 to 65 and 70 of the Tamil Nadu Highways Act, 2001 shall mutatis mutantis apply to a highway vested in, or entrusted to, the Authority, subject to the following modifications, namely :—

Applicability of the Tamil Nadu Act 34 of 2002 to the Authority subject to certain modifications.

(1) in section 8, —

(a) in sub-section (1), for the expression “The Administrator of any division may, by notification, in relation to any highway or any area in that division”, the expression “The Authority may, by notification, in relation to any highway” shall be substituted;

(b) in sub-section (2), for the expression “Administrator”, the expression “Authority” shall be substituted;

(c) in sub-section (3), for the expression “the Administrator may, with the approval of the State Chief Administrator”, the expression “Authority may” shall be substituted;

Tamil Nadu Act 34 of 2002.

(d) in sub-section (4), for the expression "State Chief Administrator", the expression "Authority" shall be substituted.

(2) in sections 9,11,12,14,26, 27, 28, 30 to 32, 34, 35, 37, 39, 44 to 46, 53, 54 and 59 to 61, for the expressions "State Chief Administrator" and "Administrator", wherever they occur, the expression "Authority" shall be substituted.

(3) in section 13, —

(a) in sub-section (1), for the expressions "Administrator of every division", and "of that division", the expressions "Authority" and "of the area" shall, respectively, be substituted;

(b) in sub-section (2), for the expression "Administrator", the expression "Authority" shall be substituted;

(c) in sub-section (3),—

(i) the expression "after the approval of the State Chief Administrator" shall be omitted;

(ii) in clause (a), for the expression "Administrator", the expression "Authority" shall be substituted.

(4) in sections 33, 41 and 43, for the expressions "Administrator" and "State Chief Administrator" wherever they occur, the expressions "Authority" and "Government" shall, respectively, be substituted.

(5) in section 42, for the expression "the Administrator that any highway in its division", the expression "the Authority that any highway" shall be substituted.

(6) in section 47,

(i) after clause (b), the expression "or" shall be omitted;

(ii) clause (c) shall be omitted.

(7) in section 55, —

(i) in sub-section (1), for the expression " any authority", the expression "Authority" shall be substituted;

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

"(2) No application to the Government under sub-section (1) shall be made after the expiry of such period as may be prescribed."

(8) in section 57, for the expression "State Chief Administrator or to any Administrator", the expression "Authority" shall be substituted.

(9) in section 58, for the expression " the State Chief Administrator or any Administrator", the expression "Authority" shall be substituted.

(10) in section 63, in sub-section (2), in clause (a), for the expression "the State Chief Administrator or any Administrator or officer or person", the expression "the Authority or officer or employees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Hon'ble Minister for Public Works, Highways and Minor Ports announced on the floor of Legislative Assembly on 01.04.2023 that a separate legislation will be enacted to establish the Tamil Nadu State Highways Authority, with adequate powers for the development of highways in a speedy and timely manner with public as well as private sector participation similar to that of the National Highways Authority of India. To give effect to the above announcement, the Government have decided to enact a separate legislation for the purpose.

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

E.V. VELU,
Minister for Public Works.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 1(2), 4(1) and (4), 6(1), 8, 9, 10(1)(b), 12, 13(2)(j), 16, 17, 18(2), 19, 20, 21, 22, 26(2) and (4), 27(1)(c) and (2), 28, 29, 30 and 31 of the Bill authorise the Government or the Tamil Nadu State Highways Authority, as the case may be, to issue notifications, orders or to make rules or regulations for the purposes specified therein.

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

E.V. VELU,
Minister for Public Works.

FINANCIAL MEMORANDUM

The Bill when enacted and brought into operation would involve expenditure from the Consolidated Fund of the State. It is not possible at this stage to estimate with any degree of accuracy the expenditure to be incurred from the Consolidated Fund of the State as a result of the proposed legislation.

E.V. VELU,
Minister for Public Works.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal 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 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 10 of 2024

***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 Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Transparency in Tenders (Amendment) Act, 2024.

Short title and
commencement

(2) It shall come into force at once.

Tamil Nadu Act
43 of 1998.

2. In section 16 of the Tamil Nadu Transparency in Tenders Act, 1998 for clause (bb), the following clause shall be substituted, namely:—

Amendment of
Section 16

“(bb) of a service, other than operations and maintenance, project or facility management, supervision, supply of manpower, outsourcing of tasks, leasing of machinery, equipment or vehicles and insurance, from relevant academic or research or non-commercial organisations, as may be notified by the Government, subject to the condition that each instance of such procurement shall be made after obtaining the prior approval of the Committee comprising of the Secretary to Government of the department concerned, Secretary to Government, Finance department or his representative, the Chief Executive Officer or the head of the procuring entity and a technical representative of the procuring entity;”.

STATEMENT OF OBJECTS AND REASONS.

Clause (bb) of section 16 of the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998) provides that where the Government by notification, upon recommendation of the Committee referred therein, declare any particular instance of procurement of a service, the provisions of sections 9 and 10 of that Act shall not apply to that procurement. It is considered that the declaration under the aforesaid clause (bb) may be confined to procurement of service from academic or research or non-commercial organisations alone. It is also considered that in order to facilitate such procurements, it would be appropriate to notify the organisations in the first instance and thereafter the procuring entities can procure services from the said notified organisations with the prior approval of the Committee in each instance of such procurement so that issuance of multiple notifications in respect of procurements from an organisation can be avoided.

2. The Government have therefore decided to amend the said Tamil Nadu Act 43 of 1998 suitably for the above purpose.

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

THANGAM THENARASU,
*Minister for Finance and
Human Resources Management.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Government to issue notification for the purpose specified therein.

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

THANGAM THENARASU,
*Minister for Finance and
Human Resources Management.*

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal 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 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 11 of 2024

***A BILL FURTHER TO AMEND THE TAMIL NADU
CONTINGENCY FUND ACT, 1954.***

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

1. (1) This Act may be called the Tamil Nadu Contingency Fund (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act II
of 1954.

2. In sub-section (1) of section 2 of the Tamil Nadu Contingency Fund Act, 1954, for the words "one hundred and fifty crores of rupees" the words "five hundred crores of rupees" shall be substituted. Amendment of section 2.

STATEMENT OF OBJECTS AND REASONS.

Under sub-section (1) of section 2 of the Tamil Nadu Contingency Fund Act, 1954 (Tamil Nadu Act II of 1954), the Contingency Fund of the State of Tamil Nadu consists of a sum of one hundred and fifty crores of rupees. In view of the increase in volume of the budgetary transactions and the need for development expenditure to be incurred as and when the need arises, it is considered necessary to increase the corpus of the said Fund from one hundred and fifty crores of rupees to five hundred crores of rupees by amending the said Act suitably.

2. The Bill seeks to achieve the above object.

THANGAM THENARASU,
*Minister for Finance and
Human Resources Management.*

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 12 of 2024

A BILL FURTHER TO AMEND THE TAMIL NADU FISCAL RESPONSIBILITY ACT, 2003.

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

1. (1) This Act may be called the Tamil Nadu Fiscal Responsibility (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force at once.

Tamil Nadu Act 16 of 2003.

2. In section 4 of the Tamil Nadu Fiscal Responsibility Act, 2003, in sub-section (2),- Amendment of section 4.

(i) in clause (a), for the expression “2025-2026”, the expression “2026-2027” shall be substituted;

(ii) in clause (b), for the expression “31st March 2025”, the expression “31st March 2026” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The 15th Finance Commission in its Report for 2021-2026 has recommended an extra annual borrowing space for the States, of the magnitude of 0.50 per cent of their Gross State Domestic Product for each of the first four years of the award covering the period 2021-2022 to 2024-2025, based on certain performance criteria in the power sector. Further, the Finance Commission has also recommended for fixing the net borrowing limit to Gross State Domestic Product at 4 per cent, 3.5 per cent and 3 per cent, for the years 2021-2022, 2022-2023 and 2023-2024 to 2025-2026, respectively and to avail the unutilized borrowing amount in any of the subsequent years within the award period, if the State is not able to fully utilize the borrowing limit during the first four years of the award period.

2. Based on the aforesaid recommendations of the 15th Finance Commission, the Government have decided to amend the Tamil Nadu Fiscal Responsibility Act, 2003 (Tamil Nadu Act 16 of 2003) so as to extend the time limit set out to eliminate the revenue deficit by 2026-27 and reduce fiscal deficit to three per cent of Gross State Domestic Product by 31st March 2026 in order to utilize the maximum fiscal space available.

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

THANGAM THENARASU,
*Minister for Finance and
Human Resources Management.*

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 13 of 2024

A BILL FURTHER TO AMEND THE CHENNAI UNIFIED METROPOLITAN TRANSPORT AUTHORITY ACT, 2010.

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

1. (1) This Act may be called the Chennai Unified Metropolitan Transport Authority (Amendment) Act, 2024.

Short title and commencement.

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

Tamil Nadu Act 44 of 2010.

2. In section 2 of the Chennai Unified Metropolitan Transport Authority Act, 2010 (hereinafter referred to as the principal Act),—

Amendment of section 2.

(1) after clause (a), the following clause shall be inserted, namely:—

“(aa) “Comprehensive Mobility Plan” means a policy document outlining the strategies and related actions, for the provision of efficient urban transport and mobility of people and goods in the notified planning area;”;

(2) after clause (b), the following clause shall be inserted, namely:—

Tamil Nadu Act 35 of 1972.

“(ba) “notified planning area” means the Chennai Metropolitan Planning Area as notified under the Tamil Nadu Town and Country Planning Act, 1971;”;

(3) after clause (c), the following clauses shall be inserted, namely:—

“(ca) “regulations” mean the regulations made by the Authority under this Act;

(cb) “Schedule” means the Schedule to this Act;

(cc) “transport investment programme” means a detailed investment programme for urban transport within the notified planning area, for a period of five years;

(cd) “urban transport” with its all grammatical variations and cognate expressions covers all aspects of transport namely, infrastructure facilities, vehicles and services available to the general public in the notified planning area, including but not limited to private transport vehicles and services, and all modes and means of transportation within the categories as may be specified in the Schedule.”.

Amendment of section 3.

3. In section 3 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:--

“(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with power subject to the provisions of the Act, to acquire, hold and dispose of properties, both movable and immovable and enter into contract, and shall by the said name sue and be sued.”.

Substitution of section 4.

4. For section 4 of the principal Act, the following section shall be substituted, namely: —

“**4. Composition of the Authority.**- (1) The Authority shall consist of the following members, namely:-

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

(b) the Minister in-charge of Chennai Unified Metropolitan Transport Authority, who shall be the Vice-Chairperson, **ex-officio**;

(c) the Minister in-charge of Transport, who shall be the Co-Vice Chairperson, **ex-officio**;

(d) the Mayor, Greater Chennai Corporation, **ex-officio**;

(e) the Chief Secretary to Government, **ex-officio**;

(f) the Vice-Chairperson of the Chennai Metropolitan Development Authority, **ex-officio**;

(g) the Secretary to Government in charge of Transport department, **ex-officio**;

(h) the Secretary to Government in charge of Finance department, **ex-officio**;

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

(j) the Secretary to Government in charge of Highways department, **ex-officio**;

(k) the Secretary to Government in charge of Home department, **ex-officio**;

(l) the Secretary to Government in charge of Municipal Administration and Water Supply department, **ex-officio**;

(m) the Secretary to Government in charge of Planning, Development and Special Initiatives department, **ex-officio**;

(n) the Secretary to Government in charge of Revenue and Disaster Management department, **ex-officio**;

(o) the General Manager, Southern Railway, Chennai, **ex-officio**; and

(p) the Member-Secretary of the Authority, to be appointed by the Government, from among the officers of the Indian Administrative Service or the Central Civil Services Group 'A'.

(2) The Authority may nominate not more than three additional members in accordance with such procedure, terms and conditions as may be prescribed.

(3) When the Chairperson of the Authority is unable to discharge the functions owing to his absence, one of the Vice-Chairpersons, senior in rank, shall discharge the functions of the Chairperson until the Chairperson assumes charge of his functions.”.

5. In section 5 of the principal Act, the expression “or co-opted” shall be omitted.

Amendment of Section 5.

6. In section 6 of the principal Act,—

Amendment of section 6.

(1) the proviso to sub-section (1) shall be omitted;

(2) in sub-section (2), for the expression “the Government” occurring in two places, the expression “the Authority” shall be substituted.

7. For section 7 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 7.

“7. Removal from Membership of the Authority.— If, at any point of time, it appears to the Authority that a member nominated has conducted himself in a manner unfit to hold office or has been guilty of misconduct or neglect, which in the opinion of the Authority renders his removal from the membership of the Authority as expedient, the Authority may, after giving such member, a reasonable opportunity to show cause, by an order, remove such member from the office.”.

8. Section 8 of the Principal Act shall be omitted.

Omission of Section 8

9. In section 9 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

Amendment of section 9.

“(1) The Member-Secretary of the Authority shall be the Chief Executive Officer of the Authority.”;

(2) in sub-section (2), after the expression “considers necessary”, the expression “in such manner as may be prescribed” shall be inserted.

10. For section 10 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 10.

“10. Powers and Functions of the Authority.-- The Authority shall, for the purposes of this Act, have the following powers and functions, namely:-

(a) formulate policy, and frame regulations, directions and guidelines for urban transport in the notified planning area;

(b) act as a co-ordinating authority in the areas of transport of passengers and goods and integration of land-use and transport planning;

(c) approve comprehensive mobility plan, transport investment programmes, annual budgets and other plans and sub-plans required for sustainable urban transport and monitor and audit their compliance;

(d) facilitate the financing of transport investment programmes in the notified planning area, either from out of the urban transport fund or by borrowing funds with the consent of the Government;

(e) supervise and exercise control over the actions and proceedings of the Executive Committee and other officers and employees of the Authority;

(f) approve the fare structure recommended by the Executive Committee for public passenger transport modes, para-transit modes and for parking on street as well as off street and other such fares, charges and fees, as the Authority may decide;

(g) make recommendations to the Union Government in regard to the Railways, National Highways, Sea Port and Airport wherever necessary, for improving the transport system; and

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

10A. Executive Committee.— (1) There shall be an Executive Committee comprising of the following members, namely:—

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

(b) the Secretary to Government in charge of Finance department, ex-officio;

(c) the Secretary to Government in charge of Housing and Urban development Department, ex-officio;

(d) the Secretary to Government in charge of Highways and Minor Ports department, ex-officio;

(e) the Member-Secretary, Chennai Metropolitan Development Authority, ex-officio;

(f) the Transport Commissioner, ex-officio;

(g) the Commissioner, Greater Chennai Corporation, ex-officio;

(h) the Director of Municipal Administration, ex-officio;

(i) the Commissioner of Police, Greater Chennai, ex-officio;

(j) the Managing Director, Chennai Metro Rail Limited, ex-officio;

(k) the Managing Director, Metropolitan Transport Corporation, ex-officio;

(l) the General Manager, Southern Railways, ex-officio;

(m) the General Manager, Regional Office, Chennai, National Highway Authority of India, ex-officio; and

(n) the Member-Secretary, Chennai Unified Metropolitan Transport Authority, ex-officio;

(2) The Executive Committee shall, for the purposes of this Act, have the following powers and functions, namely:-

(a) prepare a comprehensive mobility plan, transport investment programmes, other plans and sub-plans addressing the planning and development of all public passenger transport modes and related infrastructure and recommend to the Authority for implementation of the same through the transport agencies concerned;

(b) prepare annual budgets with the concurrence of the Authority and recommend the same to the Government to apportion funds accordingly to the agencies concerned for implementation of the comprehensive mobility plan;

(c) oversee, coordinate, promote and monitor the implementation of various traffic and transportation measures including promoting the cause of public passenger transport systems and regulate their operations, besides implementation of certain traffic and transportation measures of special nature in the notified planning area;

(d) update the comprehensive mobility plan periodically in tune with the changes in the traffic and transportation situation in the notified planning area;

(e) monitor, co-ordinate and evaluate the implementation of the comprehensive mobility plan;

(f) take decisions on matters that would impinge on the mobility in the notified planning area and ensure that no steps are initiated by any agency or local body that impedes the overall efficiency of the comprehensive mobility plan;

(g) regulate route plan for the public passenger transport modes and para-transit modes based on periodical review of routes;

(h) recommend fare structure for public passenger transport modes and para-transit modes based on periodical assessment;

(i) manage a road safety cell;

(j) secure compliance of inter-agency requests and resolve differences that come up between such agencies;

(k) form sub-committees and nominate members for sub-committees;

(l) commission studies and research needed to improve the performance or efficiency of the public passenger transport modes and para-transit modes and maintain a data base;

(m) engage experts, whose assistance or advice is considered necessary for the purposes of carrying out the provisions of this Act;

(n) regulate measures to integrate and consolidate any other action plan of the line agencies which fall outside the comprehensive mobility plan relating to public passenger transport modes and related infrastructure in the notified planning area and facilitate implementation of the same.

(3) The Executive Committee shall meet at such times and places and observe such procedure in regard to the transaction of business at its meetings as may be prescribed.”.

Substitution of
section 11.

11. For section 11 of the principal Act, the following section shall be substituted, namely:—

“11. Exemption from compliance.—The Government may, in public interest, subject to such condition as they deem fit, by general or special order exempt any agency involved in planning, operating or managing transportation system in the notified planning area, from the compliance of any of the decision of the Authority.”.

Substitution of
section 12.

12. For section 12 of the principal Act, the following section shall be substituted, namely:—

“12. Meetings of the Authority.— (1) The Authority shall meet, as often as may be necessary, and observe such rules of procedure as may be prescribed in the regulations:

Provided that the Authority shall meet at least once in a year.

(2) No act or proceeding of the Authority shall be invalid merely on the ground of the existence of any vacancy, or deficiency in the quorum or any defect in the constitution or conduct of meetings of the Authority.

(3) The Authority may invite such number of persons having expertise in the field of transportation, structural engineering, finance, environment, urban planning or public administration, or persons of eminence or high repute as deemed fit, to attend any of the meetings of the Authority as special invitees. The special invitees shall take part in the discussion but shall not have the right to vote.”.

Substitution of
section 14.

13. For section 14 of the principal Act, the following section shall be substituted, namely:—

“14. Delegation.—The Authority or the Executive Committee may, by general or special order, delegate to any of its member or to any officer of the Authority, subject to such conditions, as may be specified in the order, any of its powers and functions, as the Authority or the Executive Committee may deem necessary.”.

Amendment of
section 15.

14. In section 15 of the principal Act, for the expression “The Authority shall be entitled to appoint”, the expression “The Authority may appoint” shall be substituted.

Substitution of
section 17.

15. For section 17 of the principal Act, the following section shall be substituted, namely:—

“17. Urban Transport Fund.— (1) The Authority shall have its own Fund called the ‘Urban Transport Fund’.

(2) The Government may pay to the Authority in each financial year sums as may be considered necessary for the functioning of the Authority and may also from time to time, notify any other source of money for the Fund.

(3) All sums which may, from time to time, be paid to it by the Government and all the receipts of the Authority shall be credited to such Fund.

(4) All expenditure incurred by the authority under or for the purposes of this Act, including financing of transport investment programmes, 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.”.

16. For section 19 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 19.

“**19. Annual Report.**— (1) The Authority 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, 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 Authority in the next 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.”.

17. Section 20 of the principal Act, shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

Amendment of section 20.

“(2) In the event of any dispute between the Authority and any other authority, local body, body corporate, department or any agency of the Government, the matter shall be resolved by the Government and the decision of the Government shall be final and binding on the parties involved in such dispute:

Provided that the Government shall not pass an order in relation to any dispute without affording the parties concerned an opportunity of being heard.”.

THE SCHEDULE

(see section 2 (cd))

Modes and Means of Transportation

- (1) Buses
- (2) Tramways
- (3) Metro Railway
- (4) Electric Trolley Bus
- (5) Cable Car
- (6) Bus Rapid Transit System
- (7) Light Rail Transit
- (8) Inter-city Railways/SubUrban Rail
- (9) Boats
- (10) Water Metro

(11) Any other mode irrespective of its fuel or propulsion type including private vehicles which meet the requirements of Mass Transportation.

(12) Para Transit.-This includes systems provided by operators within the notified planning area available to person on hire basis for individual and multiple trips, such as:-

(a) Auto rickshaws/Shared auto rickshaws/E-rickshaws;

(b) Taxi Cabs, Hire a Cab or Shared Taxi;

(c) Minibus/Vans;

(d) Any transport vehicle operated under an aggregator;

(e) Any other mode irrespective of its fuel and propulsion system, which meet the requirements of Para transit.

(13) Bicycle, cycle rickshaw and any other green mode of transport that do not consume fuel propulsion or cause pollution.

(14) Urban Freight.- The movement of freight vehicles whose primary purpose is to carry goods/freight into, out of and within the notified planning area.

STATEMENT OF OBJECTS AND REASONS

Urban transport is a vital component of urban infrastructure and the lifeline for a city. A well-planned and developed transport system is integral to economic and social activity and is a key factor in facilitating urban economic growth.

2. The Chennai Unified Metropolitan Transport Authority Act, 2010 (Tamil Nadu Act 44 of 2010) was enacted to co-ordinate and streamline the activities and holistically manage integrated urban transport systems in Chennai metropolitan planning Area, by establishing an Unified Transport Authority.

3. The manifold increase in the economic and social activities during the last decade in the Chennai City have led to operational difficulties in the urban transport system. With a view to optimize the services of the multiple transport agencies by removing the operational difficulties, to address certain newer issues that have emerged in the context of urban transport and to streamline, strengthen and improve the role of Chennai Unified Metropolitan Transport Authority, the Government have decided to amend the Chennai Unified Metropolitan Transport Authority Act, 2010 (Tamil Nadu Act 44 of 2010) suitably.

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

S. MUTHUSAMY,
*Minister for Housing and Urban
Development Department.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 4,9,10,11,12,13,15 and 16 of the Bill authorise the Government or the Chennai Unified Metropolitan Transport Authority to make rules or to issue notifications or orders, as the case may be, for the purposes specified therein.

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

S. MUTHUSAMY,
*Minister for Housing and Urban
Development Department.*

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal 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 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 14 of 2024

**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 Seventy-fifth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Universities Laws (Amendment) Act, 2024. Short title and commencement.

(2) It shall come into force at once.

PART-II.

AMENDMENT TO THE BHARATHIAR UNIVERSITY ACT, 1981.

Tamil Nadu Act 1 of
1982.

2. In section 14 of the Bharathiar University Act, 1981, in sub-section (1), in the proviso to clause (ii), for the expression “fifty-eight years”, the expression “sixty years” shall be substituted. Amendment of section 14.

PART-III.

**AMENDMENT TO THE BHARATHIDASAN UNIVERSITY
ACT, 1981.**

Tamil Nadu Act 2 of
1982.

3. In section 14 of the Bharathidasan University Act, 1981, in sub-section (1), in the proviso to clause (ii), for the expression “fifty-eight years”, the expression “sixty years” shall be substituted. Amendment of section 14.

PART – IV.

AMENDMENT TO THE ALAGAPPA UNIVERSITY ACT, 1985.

Tamil Nadu Act 23 of
1985.

4. In section 15 of the Alagappa University Act, 1985, in the second proviso to sub-section (3), for the expression “fifty-eight years”, the expression “sixty years” shall be substituted. Amendment of section 15.

PART – V.

**AMENDMENT TO THE MANONMANIAM SUNDARANAR
UNIVERSITY ACT, 1990.**

Tamil Nadu Act 31 of
1990.

5. In section 13 of the Manonmaniam Sundaranar University Act, 1990, in sub-section (1), in the proviso to clause (ii), for the expression “fifty-eight years”, the expression “sixty years” shall be substituted. Amendment of section 13.

PART – VI.**AMENDMENT TO THE PERIYAR UNIVERSITY ACT, 1997.**Amendment of
section 14.

6. In section 14 of the Periyar University Act, 1997, in sub-section (1), in the proviso to clause (ii), for the expression “fifty-eight years”, the expression “sixty years” shall be substituted.

Tamil Nadu Act 45 of
1997.**PART – VII.****AMENDMENT TO THE TAMIL NADU OPEN UNIVERSITY
ACT, 2002.**Amendment of
section 13.

7. In section 13 of the Tamil Nadu Open University Act, 2002, in sub-section (1), for the proviso to clause (b), the following proviso shall be substituted, namely : –

Tamil Nadu Act 27 of
2002.

“Provided that the Registrar shall retire on attaining the age of sixty years or on the expiry of the period specified in this clause, whichever is earlier;”.

PART – VIII.**AMENDMENT TO THE THIRUVALLUVAR UNIVERSITY
ACT, 2002.**Amendment of
section 14.

8. In section 14 of the Thiruvalluvar University Act, 2002, in sub-section (1), for the proviso to clause (ii), the following proviso shall be substituted, namely : –

Tamil Nadu Act 32 of
2002.

“Provided that the Registrar shall retire on attaining the age of sixty years or on the expiry of the period specified in this clause, whichever is earlier;”.

PART – IX.**AMENDMENT TO THE TAMIL NADU TEACHERS EDUCATION
UNIVERSITY ACT, 2008.**Amendment of
section 12.

9. In section 12 of the Tamil Nadu Teachers Education University Act, 2008, in sub-section (1), for the proviso to clause (b), the following proviso shall be substituted, namely : –

Tamil Nadu Act 33 of
2008.

“Provided that the Registrar shall retire on attaining the age of sixty years or on the expiry of the period specified in this clause, whichever is earlier;”.

STATEMENT OF OBJECTS AND REASONS.

The Government have enhanced the age of superannuation of Government servants and teachers from fifty eight years to sixty years. On the same analogy, the Government have decided to enhance the retirement age of Registrars of the Universities in the State from fifty eight years to sixty years. Hence, the Government have decided to amend the Universities Laws, namely:-

- (i) The Bharathiar University Act, 1981 (Tamil Nadu Act 1 of 1982);
 - (ii) The Bharathidasan University Act, 1981 (Tamil Nadu Act 2 of 1982);
 - (iii) The Alagappa University Act, 1985 (Tamil Nadu Act 23 of 1985);
 - (iv) The Manonmaniam Sundaranar University Act, 1990 (Tamil Nadu Act 31 of 1990);
 - (v) The Periyar University Act, 1997 (Tamil Nadu Act 45 of 1997);
 - (vi) The Tamil Nadu Open University Act, 2002 (Tamil Nadu Act 27 of 2002);
 - (vii) The Thiruvalluvar University Act, 2002 (Tamil Nadu Act 32 of 2002); and
 - (viii) The Tamil Nadu Teachers Education University Act, 2008 (Tamil Nadu Act 33 of 2008);
2. The Bill seeks to give effect to the above decision.

R.S. RAJAKANNAPPAN,
Minister for Backward Classes Welfare.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal 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 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 15 of 2024

A BILL TO REPLACE THE TAMIL NADU MEDICAL REGISTRATION ACT, 1914 AND TO CONSTITUTE THE TAMIL NADU STATE MEDICAL COUNCIL AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

CHAPTER-I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu State Medical Council Act, 2024. Short title, extent and commencement.

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

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

2. (1) In this Act, unless the context otherwise requires, — Definitions.

(a) "Chairperson" means the Chairperson of the Executive Committee;

(b) "Executive Committee" means the Executive Committee of the State Council;

(c) "Fund" means the Tamil Nadu State Medical Council Fund established under sub-section (1) of section 28;

(d) "Government" means the State Government;

(e) "licence" means a licence to practice medicine granted under sub-section (1) of section 18;

(f) "member" means a member of the State Council;

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

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

(i) "President" means the President of the State Council;

(j) "registered medical practitioner" means a practitioner of medicine enrolled under this Act but does not include a person who has been granted provisional registration under section 19;

(k) "Registrar" means the Registrar of the State Council appointed under section 13;

(l) "Regulations" means the regulations made by the State Council under this Act;

(m) "Rules" means rules made under this Act;

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

(o) "State Council" means the Tamil Nadu State Medical Council constituted under section 3;

(p) "State Register" means the register maintained under section 16;

(q) "Vice-Chairperson" means the Vice-Chairperson of the Executive Committee; and

(r) "Vice-President" means the Vice-President of the State Council.

(2) All other words and expressions used herein but not defined, and defined in the National Medical Commission Act, 2019 or the regulations made there under, shall have the meanings, respectively, assigned to them in that Act or those regulations.

Central Act
30 of 2019.

CHAPTER-II

THE TAMIL NADU STATE MEDICAL COUNCIL

3. (1) The Government may, by notification, constitute a State Council to be called the Tamil Nadu State Medical Council.

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

(a) the Registrar of the Tamil Nadu Dr.M.G.R. Medical University, Chennai – *ex-officio*;

(b) the Director of Medical Education and Research, Chennai – *ex-officio*;

(c) the Director of Medical and Rural Health Services, Chennai – *ex-officio*;

(d) the Director of Public Health and Preventive Medicine, Chennai – *ex-officio*;

(e) two members from among the Deans of the Government Medical Colleges in the State and one member from among the Deans of the private Medical Colleges in the State, to be nominated by the Government;

(f) nine members to be elected by the registered medical practitioners from amongst themselves, out of which at least three shall be women; and

(g) four members to be nominated by the Government from amongst the registered medical practitioners having not less than fifteen years of experience in the field of medicine, out of which at least one shall be a woman.

Constitution
and
composition
of the State
Council.

(3) The State Council 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 it may by the said name sue and be sued.

4. (1) The election of members under clause (f) of sub-section (2) of section 3 shall be held in such manner as may be prescribed.

Election of members, Vice-President and President.

(2) At the first meeting of the State Council after its constitution, the members referred to in sub-section (2) of section 3 shall elect a President and a Vice-President, from amongst the members elected or nominated under clauses (f) and (g) of sub-section (2) of section 3, in such manner as may be prescribed.

(3) In case of any dispute regarding the election or nomination of a member or the election of the President or the Vice-President, such dispute shall be referred to the Government, and the decision of the Government shall be final.

5. (1) The term of office of the elected and nominated members of the State Council, under clauses (f) and (g) of sub-section (2) of section 3 shall be five years from the date of their election or nomination and they are eligible for re-election or re-nomination, as the case may be.

Term of office.

(2) The term of office of the members nominated under clause (e) of sub-section (2) of section 3 shall be two years from the date of their nomination and they are eligible for re-nomination:

Provided that a member nominated under this sub-section shall cease to be a member from the date on which he ceases to be a Dean.

(3) The term of office of the President and the Vice-President shall be two years and they are eligible for re-election:

Provided that the President or the Vice-President shall cease to hold his office from the date on which he ceases to be a member.

6. (1) Any member or the Vice-President may, at any time, resign his office by giving a notice in writing addressed to the President and it shall take effect from the date on which such notice is received by the President.

Resignation.

(2) The President may, at any time, resign his office by giving a notice of thirty days in writing addressed to the State Council and the resignation shall take effect from the date on which it is accepted by the State Council or on the expiry of thirty days from the date of receipt of notice whichever is earlier.

7. (1) Any casual vacancy caused by death, disqualification, resignation or otherwise of any elected or nominated member, including the President and the Vice-President, shall be filled up in accordance with clauses (e), (f) and (g) of sub-section (2) of section 3 and sub-sections (1) and (2) of section 4.

Filling up of casual vacancies.

(2) The member so elected or nominated to fill up a casual vacancy shall hold office for the remainder of the term of the member in whose place he is elected or nominated.

8. No person shall be eligible for being nominated or elected as a member, if, —

Disqualification to be a member.

- (a) he is an un-discharged insolvent;
- (b) he has been convicted of an offence involving moral turpitude;
- (c) he has been declared by a competent court to be of unsound mind; or
- (d) his licence has been cancelled or suspended under section 20.

Deemed
vacation of
membership.

9. (1) An elected or a nominated member shall be deemed to have vacated his office, —

- (a) on his absence from three consecutive meetings of the State Council;
- (b) on his absence from India for a period exceeding six consecutive months;
- (c) on cancellation of his licence under section 20; or
- (d) on being disqualified for election or nomination under clauses (a) to (c) of section 8.

(2) On occurrence of any vacancy under sub-section (1) or otherwise, the Registrar shall forthwith report the same to the Government.

Powers of the
State Council.

10. The State Council shall have the powers to—

- (a) specify the fee payable for the grant or renewal of licence, transfer of a licence, registration of additional qualifications and any other services rendered by it;
- (b) investigate and inquire into complaints of professional and ethical misconduct or medical negligence against the registered medical practitioners;
- (c) take disciplinary action against the registered medical practitioners and to impose on them penalties for proven misconduct or negligence in accordance with the regulations made by the National Medical Commission;
- (d) suspend or cancel the licence of the registered medical practitioners;
- (e) investigate and inquire into the complaints of medical practice by unqualified or unregistered medical practitioners in the State and to take *suo-moto* action to curb such practices by making criminal complaint to prosecute such persons;
- (f) form committees to carry out any of its functions; and
- (g) exercise such other powers, as may be conferred upon it by the Government, from time to time.

11. The State Council shall perform the following functions, namely: —

- (a) registration of practitioners of medicine in the State;
- (b) issuing licence to the registered medical practitioners and its renewal;
- (c) issuing no objection certificate for transfer of licence to other States or Union territories;

Functions of
the State
Council.

(d) maintenance of the State Register of registered medical practitioners;

(e) registration of additional medical qualifications;

(f) regulating professional conduct and promoting medical ethics among the registered medical practitioners in accordance with the regulations made under the National Medical Commission Act, 2019;

(g) promoting continuing medical education or continuing professional development programmes for the registered medical practitioners in the State and ensuring that they participate in such programmes and update their professional competency and knowledge;

(h) providing guidance and advice to the registered medical practitioners on professional and ethical conduct relating to medical practice;

(i) ensuring that no unqualified person or un-registered medical practitioner practices medicine in the State;

(j) collaboration with other medical bodies, institutions or organizations to promote health and general well-being of the public at large; and

(k) performance of such other functions as the Government may entrust, from time to time.

12. (1) There shall be an Executive Committee of the State Council, consisting of five members of the State Council including the Chairperson and the Vice-Chairperson.

(2) The President and Vice-President of the State Council shall be the Chairperson and the Vice-Chairperson of the Executive Committee.

(3) The other members of the Executive Committee shall be elected by the members elected or nominated under clauses (f) and (g) of sub-section (2) of section 3 from amongst themselves in such manner as may be prescribed.

(4) (a) Every member of the Executive Committee shall hold his office for a period of two years from the date of election or re-election or till he ceases to be a member of the State Council, whichever is earlier.

(b) If any casual vacancy arises in the office of the member of the Executive Committee, such vacancy shall be filled up immediately in the manner as provided in sub-section (3) and the person so elected to fill up a casual vacancy shall hold his office for the remainder of the term of the member in whose place he was elected.

(5) The State Council may delegate any of its powers and functions to the Executive Committee, except the power to make regulations, subject to such conditions as it may deem fit.

(6) No business shall be transacted at a meeting of the Executive Committee unless at least three members of the Executive Committee are present.

Central Act
30 of 2019.

Executive
Committee.

(7) Any matter taken up for consideration at a meeting of the Executive Committee shall be decided by the majority of members present and voting. In the event of equality of votes, the Chairperson or in his absence the Vice-Chairperson or any other member of the Executive Committee presiding over the meeting shall have and exercise a casting vote.

Registrar.

13. (1) The State Council shall, with the previous approval of the Government, appoint a Registrar, who shall act as the Secretary to the State Council.

(2) The Registrar shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years:

Provided that no person appointed as the Registrar shall hold office on attaining the age of sixty years.

(3) The qualifications, salary, allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(4) If any temporary vacancy in the office of the Registrar arises due to leave or any other reason, the State Council may, with the previous approval of the Government, authorise another person to act as the Registrar:

Provided that, when the period of such temporary vacancy does not exceed thirty days, the Executive Committee itself may make such authorisation and forthwith report it to the Government.

Powers and
duties of
Registrar.

14. The Registrar shall—

(a) maintain the State Register in such form and manner as may be prescribed;

(b) arrange and be present at every meeting of the State Council and prepare minutes of that meeting;

(c) be responsible for managing the administrative affairs of the State Council and the Executive Committee, including custody and maintenance of its documents and records;

(d) maintain the accounts of the State Council in such form and manner as may be prescribed;

(e) manage the properties of the State Council;

(f) have supervisory control over the officers and employees of the State Council;

(g) take necessary steps to fill up the vacancies in the State Council and the Executive Committee;

(h) conduct the correspondences on behalf of the State Council, including issue of notices under the rules and regulations;

(i) liaise with the Health Universities, Medical Colleges or Institutions and other Government departments and agencies;

(j) represent the State Council in meetings with the Government, other organizations and the public; and

(k) perform such other duties as may be assigned to him by the President, from time to time.

15. (1) The State Council may appoint such number of officers and employees as may be specified in the regulations for the efficient performance of its functions.

Officers and employees of the State Council.

(2) The recruitment, conditions of service, pay and allowances, discipline and conduct of the officers and employees of the State Council shall be such as may be specified in the regulations.

CHAPTER - III

REGISTRATION OF MEDICAL PRACTITIONERS

16. The State Council shall maintain a State Register containing the names of the registered medical practitioners in the State in such form as may be prescribed.

State Register.

17. (1) Any person who possesses a medical qualification recognised under the National Medical Commission Act, 2019 and intends to establish medical practice in the State or to work as a medical professional in any medical institution or establishment in the State, is eligible to be enrolled in the State Register as a registered medical practitioner under this Act.

Eligibility for registration.

(2) No person shall be eligible for registration under this Act, if, —

(a) he is an un-discharged insolvent;

(b) he is of unsound mind and so declared by a competent Court; or

(c) his licence issued by the Medical Council of any other State or the Union territory has been cancelled or suspended for violation of professional and ethical conduct; or

(d) he has been convicted of an offence involving moral turpitude.

18. (1) Every person, who is eligible to be enrolled as a medical practitioner under section 17, may apply to the State Council for registration along with such fee as may be specified in the regulations and the State Council, on being satisfied that he is eligible for registration, shall enter his name in the State Register and grant him a licence to practice medicine in the State within thirty days from the date of receipt of the application. The licence shall be valid for a period of five years.

Registration.

(2) Every registered medical practitioner, who intends to register any additional medical qualification shall apply to the State Council in the prescribed form together with the original certificate of such additional qualification along with such fee as may be specified in the regulations. The State Council shall, if satisfied, make necessary entries relating to such additional medical qualification in the State Register.

(3) Every registered medical practitioner shall, for the renewal of the licence, apply to the State Council, along with such fee as may be specified in the regulations, before three months of expiration of the licence. The State Council shall, after ensuring that the registered medical practitioner has participated in professional meetings as part of continuing medical education programmes for at least thirty hours, renew the licence for a period of five years and make necessary entries relating to such renewal in the State Register:

Provided that if no application for renewal of licence is received before expiration of the validity of licence, the name of the medical practitioner in the State Register shall be marked as inactive and the said person shall not be entitled to practice medicine after the expiration of the validity of licence.

(4) If a medical practitioner who is registered with the Medical Council of any other State or a Union territory intends to transfer such registration to this State, such medical practitioner shall apply to the State Council in such manner as may be specified in the regulations with a no objection certificate. The State Council may register the name of such applicant in the State Register on payment of such fee as may be specified in the regulations.

Provisional
registration.

19. (1) A person who has passed the qualifying examination of any University or medical institution in India for the grant of a recognised medical qualification and a person who obtains a foreign medical qualification and qualifies to register under the regulations made by the National Medical Commission shall apply for provisional registration to the State Council in such form and manner along with such fee as may be specified in the regulations.

(2) On receipt of the application under sub-section (1), the State Council may provisionally register the name of the applicant in the State Register so as to enable him to undergo Compulsory Rotating Medical Internship in hospitals or medical institutions in the State.

Suspension or
cancellation
of licence.

20. (1) If a registered medical practitioner becomes disqualified under sub-section (2) of section 17 or violates any of the regulations relating to the professional and ethical conduct in medical practice, the State Council may suspend his licence. Thereafter, upon conduct of inquiry, and after giving a reasonable opportunity of being heard, the State Council may cancel his licence and remove his name from the State Register for the reasons to be recorded in writing.

(2) The State Council reserves the right to cancel the licence of a registered medical practitioner, at any time after giving an opportunity of being heard, if it is found that he has obtained the licence by making false representation or has concealed any material fact or document, which attracts disqualification for his registration in the State Register.

(3) A medical practitioner whose licence has been cancelled under sub-section (2) shall forthwith surrender his licence to the State Council.

(4) A registered medical practitioner may also apply for cancellation of his licence, in the form specified in the regulations, enclosing his licence, to the State Council for any of the following reasons, namely: –

(a) retirement from medical practice;

(b) intention to pursue interests or career other than medical practice; or

(c) any other reason which necessitates withdrawal from medical practice:

Provided that, no such application shall be entertained by the State Council, if any disciplinary proceeding is pending or contemplated against the registered medical practitioner.

(5) Every cancellation of licence by the State Council under this section shall be published in the *Tamil Nadu Government Gazette* by the Registrar and the name of such medical practitioner shall be removed from the State Register.

(6) If a medical practitioner, whose licence has been cancelled under sub-section (4) intends to practice again, he may get himself re-registered with the State Council and obtain a fresh licence, if he is otherwise eligible for registration and grant of licence. In that case, the provisions contained in section 18 shall *mutatis mutandis* apply.

Central Act
30 of 2019

21. (1) Every registered medical practitioner shall be bound by the professional and ethical conduct as may be specified in the regulations made under the National Medical Commission Act, 2019, from time to time.

Professional
and Ethical
Conduct.

(2) The State Council may impose one or more of the following penalties against any registered medical practitioner for violation of professional and ethical conduct referred to in sub-section (1), as it may deem fit, namely: —

(a) censure;

(b) fine;

(c) requiring to undergo continuing medical education, training or counselling;

(d) undertaking community service or any other form of social service;

(e) compliance with any restriction or condition in regard to medical practice;

(f) suspension of licence; or

(g) cancellation of licence and removal of name from the State Register.

Provided that, no such order shall be made unless the registered medical practitioner is given an opportunity of making a written representation against the proposed penalty.

22. Any person aggrieved by an order of the State Council under sections 18 to 21 may, within thirty days from the date of receipt of the order, prefer an appeal to the Ethics and Medical Registration Board.

Appeal.

23. Any person aggrieved by an order of the Ethics and Medical Registration Board in an appeal preferred under section 22 may, within sixty days from the date of receipt of the order, prefer a second appeal to the National Medical Commission.

Second appeal.

Publication
of list of
Registered
Medical
Practitioners.

24. The Registrar shall annually cause to be printed and published, in such form and manner as may be prescribed, a list of names of all the medical practitioners registered under this Act. The list shall also be published in the official website of the State Council.

Procedure to be
followed.

25. The State Council, while exercising the powers and discharging the functions under this Chapter shall follow the regulations made under the National Medical Commission Act, 2019.

Central Act
30 of 2019

CHAPTER IV**MEETINGS OF THE STATE COUNCIL**

Meetings of the
State Council.

26. (1) The State Council shall meet at least once in three months on such date, time and place, as the President may determine.

(2) The meetings of the State Council shall be convened and conducted in such manner as may be specified in the regulations.

(3) The President shall preside over the meetings of the State Council. If the President is absent, the Vice-President, and in the absence of both, a member elected by the members present at the meeting, shall preside over the meeting.

(4) Any matter taken up for consideration in a meeting of the State Council shall be decided by a majority of the members present and voting and in the case of equality of votes, the person presiding over that meeting shall have and exercise a casting vote.

(5) Ten members shall form the quorum for a meeting of the State Council.

(6) The President, Vice-President and the members shall be entitled to such sitting fees and allowances for attending the meetings of the State Council, as may be specified in the regulations.

Vacancies, etc.,
not to
invalidate
proceedings
of the State
Council.

27. No act or proceeding of the State Council shall be invalid merely by reason of, —

(a) any vacancy in, or any defect in the constitution of the State Council; or

(b) any defect in the election or nomination of the President, the Vice-President or any other member; or

(c) any irregularity in the procedure followed by the State Council not affecting the merits of the case.

CHAPTER-V**FINANCE, ACCOUNTS AND AUDIT**

Funds of the
State Council.

28. (1) The State Council shall have its own fund, namely, the Tamil Nadu State Medical Council Fund, which shall be administered by it.

(2) The following shall be credited to the Fund, namely: —

(a) all fees, charges and fine amount received by the State Council;

(b) any grant or donation received by the State Council from the Government or any other person; and

(c) any income derived by the State Council from investments or other sources.

(3) The Fund shall be utilised to meet the expenses of the State Council, including payment of salaries and allowances to the Registrar, its officers and employees, sitting fees and allowances to its members, procurement of equipments and vehicles and other administrative expenses.

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

Accounts and
Audit.

(2) The accounts of the State Council shall be audited annually by an auditor appointed by the Government.

CHAPTER-VI

MISCELLANEOUS

30. The President, the Vice-President, the members, the Registrar and officers and employees of the State Council shall, when acting or purporting to act in pursuance of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of 1860.

President,
Vice-President,
etc., to be
public servants.

31. No suit, prosecution or other legal proceeding shall lie against the State Council, the President, the Vice-President, other members, the Registrar or officers and employees of the State Council for anything done in good faith or intended to be done under this Act or rules or regulations.

Protection of
action taken
in good faith.

32. (1) If, at any time, it appears to the Government that the State Council has failed to exercise or has exceeded or abused any of the powers or functions conferred on it by or under this Act, and if in the opinion of the Government such failure, excess or abuse is of a serious nature, the Government may direct the State Council to rectify or refrain from such default, excess, or abuse, within such time as may be specified. If the State Council fails to comply with any of such directions, the Government may supersede the State Council and appoint an officer of the Government, not below the rank of a Dean of a medical college, to discharge the powers and functions of the State Council for a period not exceeding six months.

Control of
Government
over the
State Council.

(2) The Government shall, thereafter, take necessary steps to reconstitute the State Council in accordance with the provisions of this Act before the expiry of the said period of six months.

33. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by notification, make such provision, not inconsistent with the provisions of this Act, as it may appear to them to be necessary or expedient for removing that 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. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Act.

Power to make
rules.

(2) All rules or regulations made and notifications or orders 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 day, shall come into force on the day on which they are so published.

(3) Every rule 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 Assembly makes any modification in any such rule, notification or the Assembly decides that the rule, notification should not be made or issued, the rule 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 notification.

Power to make regulations.

35. (1) The State Council may, with the previous approval of the Government, make regulations not inconsistent with the provisions of this Act and the rules.

(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) convening and holding of meetings of the State Council and of the Executive Committee;

(b) the manner of conduct of business in the meetings;

(c) forming of committees of the State Council;

(d) maintenance of accounts and preparation of balance sheets of the State Council;

(e) manner of recruitment, conditions of service, pay and allowances, discipline and conduct, of officers and employees of the State Council;

(f) fee to be collected for registration, licence, renewal of licence and transfer of licence and registration of additional qualifications;

(g) procedure for carrying out the functions of the State Council; and

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

Repeal and saving.

36. (1) The Tamil Nadu Medical Registration Act, 1914 is hereby repealed.

Tamil Nadu Act IV of 1914

(2) Notwithstanding such repeal, the repeal shall not, —

(a) affect anything done or any action taken under the Act so repealed, before the commencement of this Act;

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

(c) affect any fine, penalty, forfeiture, or punishment incurred in respect of any offence committed against the Act so repealed; or

(d) affect an investigation, legal proceeding, or remedy in respect of any such right, privilege, liability, fine, penalty, forfeiture, or punishment, as aforesaid and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such fine, penalty, forfeiture, or punishment may be imposed, as if that Act had not been repealed.

Tamil Nadu
Act IV of 1914.

(3) All persons who are registered as medical practitioners under the Tamil Nadu Medical Registration Act, 1914 and whose names find place in the medical register under that Act, on the date of commencement of this Act, shall be deemed to have been registered under this Act and their names shall be entered in the State Register.

STATEMENT OF OBJECTS AND REASONS

The Tamil Nadu Medical Council is a statutory body established under the provisions of the Tamil Nadu Medical Registration Act, 1914. (Tamil Nadu Act IV of 1914). The said Act is a Pre-Independent law and it was enacted when there was the Presidency of Madras, as it stood prior to the reorganisation of the states on linguistic basis.

2. The Hon'ble High Court of Madras in its common order dated 6.12.2022 in W.P.Nos.28649 of 2022 and 31454 of 2022 has observed that the said enactment as well as the rules are archaic and they need complete revamp and also directed the Government to consider introducing reforms in the election process.

3. In view of the above, the Government have decided to repeal the said Tamil Nadu Act IV of 1914 and to reenact a new law in its place.

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

Ma. SUBRAMANIAN,
Minister for Health and Family Welfare.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1(3), 3(1), 4(1) and (2), 12 (3), 13(3), 14, 16, 29, 32, 33, 34 and 35 of the Bill authorise the Government, the Tamil Nadu State Medical Council to issue notifications or directions or orders or to make rules or regulations, as the case may be, to carry out the purposes specified therein.

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

Ma. SUBRAMANIAN,
Minister for Health and Family Welfare.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 16 of 2024

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 Seventy-fifth Year of the Republic of India as follows:-

- | | | |
|----------------------------|--|------------------------------|
| Tamil Nadu Act 22 of 1959. | <p>1. (1) This Act may be called the Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act, 2024.</p> <p>(2) It shall come into force at once.</p> | Short title and Commencement |
| Tamil Nadu Act 22 of 1959. | <p>2. In section 26 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (hereinafter referred to as the principal Act), in sub-section (1), in clause (e), the expression “or is suffering from leprosy or any other loathsome disease” shall be omitted.</p> | Amendment of section 26. |
| Tamil Nadu Act 22 of 1959. | <p>3. In section 53 of the principal Act, in sub-section (2), in clause (f), the expression “or is suffering from leprosy or other loathsome disease” shall be omitted.</p> | Amendment of section 53. |
| Tamil Nadu Act 22 of 1959. | <p>4. In section 66 of the principal Act, in sub-section (1), clause (j) shall be omitted.</p> | Amendment of section 66. |

STATEMENT OF OBJECTS AND REASONS

The Hon'ble Supreme Court of India in its order dated.05.07.2018 in Writ Petition (Civil) No.767/2014 has observed that people suffering from leprosy must be treated with equality and directed the State Governments to apprise about the steps taken with regard to the repeal of the provisions where leprosy has been treated as a stigmatic disability.

2. Under clause (e) of sub-section (1) of section 26 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), a person shall be disqualified for being appointed as and for being a Trustee of any religious institution if he is suffering from leprosy. Under clause (f) of sub-section (2) of section 53 of the said Act, the appropriate authority may suspend, remove or dismiss any trustee of a religious institution if he is suffering from leprosy. Further, clause (j) of sub-section (1) of section 66 of the said Act provides for establishment and maintenance of asylums exclusively for persons suffering from leprosy.

3. The Government have therefore decided to amend clause (e) of sub-section (1) of section 26 and clause (f) of sub-section (2) of section 53 and also to omit clause (j) of sub-section (1) of section 66 of the said Act so as to eliminate the stigmatic disability and discrimination against the persons suffering from leprosy.

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

P. K. SEKARBABU,
*Minister for Hindu Religious and Charitable
Endowments Department.*

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 17 of 2024

A Bill to put in place an institutional mechanism for the preparation, approval, implementation and monitoring of the Development Action Plan for the Scheduled Castes and the Scheduled Tribes and to earmark funds for the development of the Scheduled Castes and the Scheduled Tribes not less than the proportion to their population in the State of Tamil Nadu and for matters connected therewith or incidental thereto.

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

CHAPTER – I

PRELIMINARY

1. (1) This Act may be called the Tamil Nadu Development Action Plan for the Scheduled Castes and the Scheduled Tribes Act, 2024.

Short title,
extent and
commencement.

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

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

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

Definition.

(a) "Development Action Plan" means the Development Action Plan for the Scheduled Castes and the Scheduled Tribes approved by the State Council;

(b) "Empowered Committee" means the Committee constituted under section 5;

(c) "exempted expenditure" means the expenditure on salary, salary grants-in-aid, pension, administrative establishment, capital expenditure, principal repayment, interest payment and any other expenditure of administrative nature as may be notified by the Government and it includes the amounts that could not be spent due to non-release or short release of funds by the Union Government for Central Sector Schemes and Centrally Sponsored Schemes;

(d) "gaps in development" means the shortfall in such development indices, as may be prescribed, pertaining to the Scheduled Castes and the Scheduled Tribes in comparison to the State average;

(e) "General Schemes" means schemes included in the Statement of Welfare Expenditure which benefit all the social groups in the State including the Scheduled Castes and the Scheduled Tribes;

(f) "Scheduled Castes" and "Scheduled Tribes" shall have the same meaning assigned to them, in clauses (24) and (25), respectively, of Article 366 of the Constitution of India;

(g) "Special Schemes" means schemes included in the Statement of Welfare Expenditure which exclusively benefit the Scheduled Castes and the Scheduled Tribes in the State;

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

(i) "State Council" means the Tamil Nadu State Council for the Development of the Scheduled Castes and the Scheduled Tribes constituted under section 3;

(j) "Statement of welfare expenditure" means the statement published by the Government which contains the sector wise abstract of the welfare expenditure and the budgetary allocations for various welfare schemes;

(k) "total welfare expenditure outlay of the State" means overall sum of the budgetary allocation made for the schemes listed in the Statement of welfare expenditure.

CHAPTER-II

INSTITUTIONAL ARRANGEMENT

Constitution of the State Council.

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

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

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

(b) the Minister in-charge of the Adi Dravidar and Tribal Welfare, ex-officio;

(c) the Minister in-charge of Finance, ex-officio;

(d) the Minister in-charge of Forests, ex-officio;

(e) five members to be nominated by the Government from among the members of the Legislative Assembly and the members of the Parliament, belonging to the Scheduled Castes or the Scheduled Tribes, ex-officio;

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

(g) the Secretary to Government in-charge of Finance, ex-officio;

(h) the Secretary to Government in-charge of Planning, Development and Special Initiatives, ex-officio;

(i) the Secretary to Government in-charge of Environment, Climate Change and Forests, ex-officio;

(j) the Secretary to Government in-charge of Adi Dravidar and Tribal Welfare, who shall be the Member-Secretary, ex-officio; and

(k) one member to be nominated by the Government from among the persons working for the welfare of the Scheduled Castes and the Scheduled Tribes in the State.

(3) The members nominated under clause (e) of sub-section (2) shall hold office till they cease to be a member of the Legislative Assembly or the Parliament, as the case may be.

(4) The member nominated under clause (k) of sub-section (2) shall hold office for a period of one year.

(5) The Government may, at any time, cancel any of the nominations made under clause (e) or clause (k) of sub-section (2) and make fresh nominations under the said clauses.

(6) The nominated members shall be eligible for such allowances as may be prescribed.

(7) The State Council shall meet at least once in a year.

4. The State Council shall perform the following functions, namely:— Functions of the State Council.

(a) advise the Government on policy matters relating to the Development Action Plan;

(b) suggest measures for planning and implementation of the Schemes for the development of the Scheduled Castes and the Scheduled Tribes ;

(c) approve the Development Action Plan submitted by the Empowered Committee;

(d) give directions to the Empowered Committee in planning, implementation and monitoring of the Development Action Plan;

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

5. (1) There shall be an Empowered Committee of the State Council consisting of the following members, namely:— Constitution of the Empowered Committee.

(a) the Minister in-charge of Adi Dravidar and Tribal Welfare, who shall be the Chairperson, ex-officio;

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

(c) the Secretary to Government in-charge of Adi Dravidar and Tribal Welfare, ex-officio;

(d) the Secretary to Government in-charge of Finance, ex-officio;

(e) the Secretary to Government in-charge of Planning, Development and Special Initiatives, ex-officio;

(f) the Secretary to Government in-charge of Environment, Climate Change and Forests, ex-officio;

(g) the Director, Adi Dravidar Welfare Department, ex-officio, who shall be the convener; and

(h) the Director, Tribal Welfare Department, ex-officio, who shall be the co-convener.

(2) The Secretary to Government of the respective departments for which funds are earmarked or proposed to be earmarked in the Development Action Plan, shall be the special invitees for the meetings of the Empowered Committee.

(3) The Empowered Committee shall meet at least thrice in a year.

Functions of the Empowered Committee.

6. The Empowered Committee shall perform the following functions, namely:—

(a) formulate and design suitable schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(b) monitor and review the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes by the respective departments;

(c) evaluate the draft Development Action Plan and place it before the State Council for its approval;

(d) evaluate the outcome and impact of the ongoing schemes of the respective departments for the development of the Scheduled Castes and the Scheduled Tribes and appraise it to the State Council;

(e) finalize the quantum of the unspent funds earmarked under this Act for the development of the Scheduled Castes and the Scheduled Tribes to various departments in a financial year, which shall be carried forward to the financial year next to the immediately succeeding financial year;

(f) perform such other functions, as may be prescribed.

Nodal Department and its functions.

7. (1) The Adi Dravidar and Tribal Welfare Department shall be the nodal department for the formulation and implementation of the Development Action Plan.

(2) The nodal department shall,—

(a) prepare the draft Development Action Plan and place it before the Empowered Committee for its consideration and approval;

(b) monitor the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(c) maintain a database as may be required for the planning, allocation and utilization of the funds earmarked under this Act for the development of the Scheduled Castes and the Scheduled Tribes;

(d) undertake research, survey and statistical studies, in such manner as may be prescribed, to track the progress of the implementation of the Schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(e) create a web portal for the dissemination of such information for the development of the Scheduled Castes and the Scheduled Tribes in such manner, as may be prescribed; and

(f) undertake periodical impact analysis of the implementation of the Development Action Plan based on the gaps in development.

8. (1) There shall be a District Monitoring Committee in each district, which shall be responsible for the implementation of the Development Action Plan in the district.

District Monitoring Committee and its functions.

(2) The District Monitoring Committee shall consist of the following members, namely:—

(a) the District Collector, who shall be the Chairman, ex-officio;

(b) not more than five Members of the State Legislative Assembly or of the Parliament, preferably those belonging to the Scheduled Castes or the Scheduled Tribes, whose constituency lies wholly or partly in that District, to be nominated by the Government, ex-officio;

(c) the Project Director – District Rural Development Agency, ex-officio;

(d) the District Revenue Officer, ex-officio;

(e) the District Forest Officer, ex-officio;

(f) the Joint Director, Agriculture, ex-officio;

(g) the District Adi Dravidar and Tribal Welfare Officer, ex-officio, who shall be the Convener; and

(h) the Project Director of the district, where the Integrated Tribal Development Programme is implemented, ex-officio, who shall be the co-convener.

(3) The District level officers of the respective departments, for which funds are earmarked or proposed to be earmarked in the Development Action Plan, for the development of the Scheduled Castes and the Scheduled Tribes, shall be the special invitees for the meetings of the District Monitoring Committee.

(4) The members nominated under clause (b) of sub-section (2) shall hold office till they cease to be a member of the Legislative Assembly or the Parliament, as the case may be.

(5) The Government may, at any time, cancel any of the nominations made under clause (b) of sub-section (2) and make fresh nominations under the said clause;

(6) The nominated members shall be eligible for such allowances as may be prescribed.

(7) The District Monitoring Committee shall review the implementation of the Development Action Plan in the District once in three months and submit a progress report to the nodal department.

CHAPTER-III

PREPARATION OF DEVELOPMENT

ACTION PLAN AND

EARMARKING OF FUNDS.

Preparation of
Development
Action Plan.

9. (1) The nodal department shall evaluate the gaps in development of the Scheduled Castes and the Scheduled Tribes in consultation with the departments concerned and then prepare a draft Development Action Plan in such manner as may be prescribed and place it before the Empowered Committee for its consideration and approval before the beginning of each financial year.

(2) The Empowered Committee shall evaluate the draft Development Action Plan and place it before the State Council for its approval with or without modifications, as it may deem fit.

(3) The State Council shall examine the draft Development Action Plan and approve it subject to the modifications as it may deem fit.

Earmarking of
Funds for the
Development of
the Scheduled
Castes and
the Scheduled
Tribes.

10. (1) The Government shall, in every financial year, earmark funds for the development of the Scheduled Castes and the Scheduled Tribes from the total welfare expenditure outlay of the State, in such manner as may be prescribed, which shall be not less than the proportion of the population of the Scheduled Castes and the Scheduled Tribes in the State.

(2) The unspent funds earmarked in a financial year to a department under sub-section (1) for the development of the Scheduled Castes and the Scheduled Tribes, if any, except the exempted expenditure, shall be carried forward to the financial year next to the immediately succeeding financial year and it shall not be carried forward beyond that year.

(3) Out of the funds so carried forward, two-thirds shall be allocated to the same Department and the remaining one-third to the nodal department under a separate head of account and such carried forward funds shall be utilized by the respective departments in accordance with the guidelines issued by the Government, from time to time.

(4) The funds for the development of the Scheduled Castes and the Scheduled Tribes under sub-section (1) shall be earmarked in each financial year in accordance with the annual financial statement of the Government.

Expenditures to
be included in
the Earmarked
Funds.

11. While earmarking the funds for the development of the Scheduled Castes and the Scheduled Tribes under section 10, the following expenditures may be included therein, namely:—

(a) in respect of the Special Schemes exclusively benefitting the Scheduled Castes and the Scheduled Tribes, hundred percent of the expenditure allocated for such schemes;

(b) in respect of General Schemes, a portion of the expenditure allocated to such schemes in proportion to the population of the Scheduled Castes and the Scheduled Tribes in the State or to the number of beneficiaries of such schemes belonging to the Scheduled Castes and the Scheduled Tribes, as the case may be, whichever is higher; and

(c) in respect of the schemes involving non-divisible infrastructure works, a portion of the scheme cost as it may deem fit.

12. Each department shall measure the gaps in the development of the Scheduled Castes and the Scheduled Tribes in the State in the prescribed manner and prioritize their developmental needs through a consultative process and may propose schemes to the Empowered Committee through the nodal department. Proposal of Schemes.

13. The Empowered Committee shall evaluate the Schemes, if any, proposed by the nodal department and ensure that those Schemes are in conformity with this Act. Appraisal of proposed Schemes.

CHAPTER-IV

MISCELLANEOUS

14. (1) The Government shall ensure transparency and accountability at all levels in the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes. Transparency and Accountability.

(2) The Government shall publish the documents along with relevant statistical data on the status of the implementation of Development Action Plan, in the Web Portal created under this Act and in any other web portal or public domain, as may be notified by the Government.

15. The nodal department shall place before the Legislative Assembly, an annual report in respect of each financial year on the impact and outcome of the implementation of the Development Action Plan containing the department wise achievements and the status of the unspent funds earmarked during that financial year. Annual Report.

16. 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 the removal of the difficulty: Power to remove difficulties.

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

17. (1) The Government may, by notification, make rules for carrying out all or any of the provisions 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 development indices for the measurement of gaps in development and the manner of such measurement ;

(b) allowances payable to the nominated members of the State Council and the District Monitoring Committee;

(c) such other functions of the State Council and the Empowered Committee;

(d) the manner of undertaking research, survey and statistical studies by the nodal department to track the progress of the implementation of the schemes for the development of the Scheduled Castes and the Scheduled Tribes;

(e) kinds of information which have to be disseminated through the web portal and the manner of such dissemination;

(f) manner of preparation of the Development Action Plan;

(g) manner of earmarking of the funds under section 10 for the development of the Scheduled Castes and the Scheduled Tribes; and

(h) 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 day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day 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 Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, such rule or 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 or notification or order.

STATEMENT OF OBJECTS AND REASONS

In pursuance of Article 46 of the Constitution of India and for the effective implementation of the guidelines issued by the Planning Commission and the NITI Aayog in the formulation of Annual Plan, and in view of the announcements made on the floor of the Legislative Assembly in this regard, it is necessary to undertake a legislation for the preparation of an Action Plan for the development of the Scheduled Castes and the Scheduled Tribes, for earmarking a portion of the total Welfare Expenditure outlay of the State for the development of the Scheduled Castes and the Scheduled Tribes in proportion to their population in the State and also to ensure that the earmarked funds are spent for the development of the Scheduled Castes and the Scheduled Tribes. Accordingly, the Government have decided to enact a legislation for the aforesaid purpose.

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

N. KAYALVIZHI SELVARAJ,
Minister for Adi Dravidar Welfare.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1 (2), 2 (c), 3 (6), 4 (e), 6 (f), 7 (2) (d), 7 (2) (e), 8 (6), 9 (1), 10 (1), 12, 14 (2), 16 and 17 (1) of the Bill authorizes the Government to make rules or to issue notifications or orders, as the case may be, to carry out 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 Bill when enacted would involve expenditure from the Consolidated Fund of the State. 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.

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal 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 21st February, 2024 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 18 of 2024

A Bill to provide for the appropriation of certain further moneys out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2023.

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

1. This Act may be called the Tamil Nadu Appropriation Act, 2024.

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 which commenced on the 1st day of April 2023, a further sum not exceeding Thirty Thousand Three Hundred Fifty-Five Crores Thirty-One Lakhs Seventy-One Thousand rupees, being moneys required to meet-

Supplementary appropriation out of the Consolidated Fund of the State for the services and purposes of the financial year which commenced on the 1st day of April 2023.

- (a) the supplementary grants made by the Tamil Nadu Legislative Assembly for that year, as set forth in column (3) of the Schedule; and
- (b) the supplementary 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)	(4)	(5)
		₹	₹	₹
001 STATE LEGISLATURE	Revenue	6,000	1,35,82,000	1,35,88,000
	Capital	...	...	...
	Loan	...	...	...
002 GOVERNOR AND COUNCIL OF MINISTERS	Revenue	8,20,03,000	2,14,64,000	10,34,67,000
	Capital	...	...	...
	Loan	...	...	...
003 ADMINISTRATION OF JUSTICE	Revenue	308,01,16,000	53,96,72,000	361,97,88,000
	Capital	...	...	...
	Loan	...	...	...
004 ADI-DRAVIDAR AND TRIBAL WELFARE DEPARTMENT	Revenue	13,000	10,68,51,000	10,68,64,000
	Capital	315,97,45,000	...	315,97,45,000
	Loan	30,09,000	...	30,09,000
005 AGRICULTURE AND FARMER'S WELFARE DEPARTMENT	Revenue	1,09,000	4,82,000	5,91,000
	Capital	117,24,34,000	...	117,24,34,000
	Loan	91,54,17,000	...	91,54,17,000
006 ANIMAL HUSBANDRY (Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department)	Revenue	53,000	12,53,000	13,06,000
	Capital	4,000	...	4,000
	Loan	53,73,000	...	53,73,000
007 FISHERIES AND FISHERMEN WELFARE (Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department)	Revenue	46,40,78,000	...	46,40,78,000
	Capital	...	...	...
	Loan	...	...	...
008 DAIRY DEVELOPMENT (Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department)	Revenue	27,12,33,000	...	27,12,33,000
	Capital	33,00,02,000	...	33,00,02,000
	Loan	150,00,00,000	...	150,00,00,000
009 BACKWARD CLASSES, MOST BACKWARD CLASSES AND MINORITIES WELFARE DEPARTMENT	Revenue	268,42,52,000	...	268,42,52,000
	Capital	4,000	...	4,000
	Loan	9,99,000	...	9,99,000
010 COMMERCIAL TAXES (Commercial Taxes and Registration Department)	Revenue	79,19,22,000	...	79,19,22,000
	Capital	...	...	...
	Loan	60,00,000	...	60,00,000
011 STAMPS AND REGISTRATION (Commercial Taxes and Registration Department)	Revenue	27,28,48,000	6,64,000	27,35,12,000
	Capital	...	...	...
	Loan	...	...	...
012 CO-OPERATION (Co-operation, Food and Consumer Protection Department)	Revenue	1,078,99,49,000	...	1,078,99,49,000
	Capital	...	...	...
	Loan	42,43,000	...	42,43,000

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) ₹	(4) ₹	(5) ₹
013 FOOD AND CONSUMER PROTECTION (Co-operation, Food and Consumer Protection Department)	Revenue	463,49,80,000	...	463,49,80,000
	Capital	1,000	...	1,000
	Loan	...	...	...
014 ENERGY DEPARTMENT	Revenue	15,695,73,78,000	...	15,695,73,78,000
	Capital	58,46,45,000	...	58,46,45,000
	Loan	1,000	...	1,000
015 ENVIRONMENT AND CLIMATE CHANGE (Environment, Climate Change and Forests Department)	Revenue	3,000	...	3,000
	Capital	...	...	...
	Loan	2,97,65,000	...	2,97,65,000
016 FINANCE DEPARTMENT	Revenue	41,72,57,000	2,50,000	41,75,07,000
	Capital	1,000	...	1,000
	Loan	2,000	...	2,000
017 HANDLOOMS AND TEXTILES (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	289,71,39,000	...	289,71,39,000
	Capital	111,50,00,000	...	111,50,00,000
	Loan	36,99,000	...	36,99,000
018 KHADI, VILLAGE INDUSTRIES AND HANDICRAFTS (Handlooms, Handicrafts, Textiles and Khadi Department)	Revenue	5,49,33,000	...	5,49,33,000
	Capital	...	...	...
	Loan	...	...	...
019 HEALTH AND FAMILY WELFARE DEPARTMENT	Revenue	578,78,75,000	14,76,000	578,93,51,000
	Capital	87,17,23,000	...	87,17,23,000
	Loan	96,31,000	...	96,31,000
020 HIGHER EDUCATION DEPARTMENT	Revenue	69,33,47,000	...	69,33,47,000
	Capital	4,000	...	4,000
	Loan	...	...	...
021 HIGHWAYS AND MINOR PORTS DEPARTMENT	Revenue	41,22,23,000	9,47,000	41,31,70,000
	Capital	28,000	253,14,04,000	253,14,32,000
	Loan	10,00,000	...	10,00,000
022 POLICE (Home, Prohibition and Excise Department)	Revenue	274,32,44,000	...	274,32,44,000
	Capital	1,000	...	1,000
	Loan	1,000	...	1,000
023 FIRE AND RESCUE SERVICES (Home, Prohibition and Excise Department)	Revenue	21,43,15,000	27,76,000	21,70,91,000
	Capital	1,000	...	1,000
	Loan	...	...	...
024 PRISONS AND CORRECTIONAL SERVICES (Home, Prohibition and Excise Department)	Revenue	53,95,12,000	...	53,95,12,000
	Capital	7,10,22,000	...	7,10,22,000
	Loan	...	...	...
025 MOTOR VEHICLES ACTS-ADMINISTRATION (Home, Prohibition and Excise Department)	Revenue	11,44,11,000	...	11,44,11,000
	Capital	...	...	...
	Loan	...	...	...

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)	(4)	(5)
		₹	₹	₹
026 HOUSING AND URBAN DEVELOPMENT DEPARTMENT	Revenue	13,000	...	13,000
	Capital	1,399,99,97,000	...	1,399,99,97,000
	Loan	3,000	...	3,000
027 INDUSTRIES, INVESTMENT PROMOTION AND COMMERCE DEPARTMENT	Revenue	14,000	...	14,000
	Capital	154,59,72,000	...	154,59,72,000
	Loan	1,000	...	1,000
028 INFORMATION AND PUBLICITY (Tamil Development and Information Department)	Revenue	22,26,98,000	1,97,000	22,28,95,000
	Capital	6,05,000	...	6,05,000
	Loan	...	...	...
029 TOURISM - ART AND CULTURE (Tourism, Culture and Religious Endowments Department)	Revenue	2,09,04,000	...	2,09,04,000
	Capital	6,000	...	6,000
	Loan	43,68,000	...	43,68,000
030 STATIONERY AND PRINTING (Tamil Development and Information Department)	Revenue	6,000	...	6,000
	Capital	13,91,52,000	...	13,91,52,000
	Loan	...	...	...
031 INFORMATION TECHNOLOGY AND DIGITAL SERVICES DEPARTMENT	Revenue	17,80,83,000	...	17,80,83,000
	Capital	...	...	...
	Loan	...	...	...
032 LABOUR WELFARE AND SKILL DEVELOPMENT DEPARTMENT	Revenue	135,61,16,000	...	135,61,16,000
	Capital	2,000	...	2,000
	Loan	1,50,00,000	...	1,50,00,000
033 LAW DEPARTMENT	Revenue	9,47,26,000	...	9,47,26,000
	Capital	...	...	...
	Loan	25,00,000	...	25,00,000
034 MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT	Revenue	18,000	...	18,000
	Capital	9,000	...	9,000
	Loan	2,000	...	2,000
035 HUMAN RESOURCES MANAGEMENT DEPARTMENT	Revenue	5,13,21,000	5,000	5,13,26,000
	Capital	1,42,59,000	...	1,42,59,000
	Loan	...	...	...
036 PLANNING, DEVELOPMENT AND SPECIAL INITIATIVES DEPARTMENT	Revenue	6,000	14,97,000	15,03,000
	Capital	50,43,74,000	...	50,43,74,000
	Loan	1,30,30,000	...	1,30,30,000
038 PUBLIC DEPARTMENT	Revenue	46,40,02,000	...	46,40,02,000
	Capital	1,000	...	1,000
	Loan	12,00,00,000	...	12,00,00,000
039 BUILDINGS (Public Works Department)	Revenue	29,54,78,000	26,05,000	29,80,83,000
	Capital	14,000	...	14,000
	Loan	...	...	...

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)	(4)	(5)
		₹	₹	₹
040 WATER RESOURCES DEPARTMENT	Revenue	198,93,17,000	5,00,000	198,98,17,000
	Capital	50,000	43,75,23,000	43,75,73,000
	Loan	...	...	...
041 REVENUE AND DISASTER MANAGEMENT DEPARTMENT	Revenue	374,26,90,000	9,25,000	374,36,15,000
	Capital	...	38,90,16,000	38,90,16,000
	Loan	45,00,000	...	45,00,000
042 RURAL DEVELOPMENT AND PANCHAYAT RAJ DEPARTMENT	Revenue	587,64,68,000	...	587,64,68,000
	Capital	802,33,66,000	...	802,33,66,000
	Loan	76,00,000	...	76,00,000
043 SCHOOL EDUCATION DEPARTMENT	Revenue	913,82,05,000	...	913,82,05,000
	Capital	3,000	...	3,000
	Loan	...	...	...
044 MICRO, SMALL AND MEDIUM ENTERPRISES DEPARTMENT	Revenue	76,29,00,000	...	76,29,00,000
	Capital	...	...	...
	Loan	1,000	...	1,000
045 SOCIAL WELFARE AND WOMEN EMPOWERMENT DEPARTMENT	Revenue	1,05,000	...	1,05,000
	Capital	6,000	...	6,000
	Loan	...	...	...
046 TAMIL DEVELOPMENT (Tamil Development and Information Department)	Revenue	9,68,58,000	...	9,68,58,000
	Capital	...	...	...
	Loan	62,89,000	...	62,89,000
047 HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (Tourism, Culture and Religious Endowments Department)	Revenue	42,57,25,000	...	42,57,25,000
	Capital	3,64,99,000	...	3,64,99,000
	Loan	...	...	...
048 TRANSPORT DEPARTMENT	Revenue	159,12,24,000	...	159,12,24,000
	Capital	...	...	...
	Loan	8,000	...	8,000
049 YOUTH WELFARE AND SPORTS DEVELOPMENT DEPARTMENT	Revenue	228,15,62,000	...	228,15,62,000
	Capital	1,99,98,000	...	1,99,98,000
	Loan	...	...	...
050 PENSION AND OTHER RETIREMENT BENEFITS	Revenue	26,000	31,54,73,000	31,54,99,000
	Capital	...	...	...
	Loan	...	...	...
051 RELIEF ON ACCOUNT OF NATURAL CALAMITIES	Revenue	3,183,47,01,000	4,79,000	3,183,51,80,000
	Capital	...	...	...
	Loan	...	...	...
052 DEPARTMENT FOR THE WELFARE OF DIFFERENTLY ABLED PERSONS	Revenue	20,000	...	20,000
	Capital	5,29,42,000	...	5,29,42,000
	Loan	...	...	...

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) ₹	(4) ₹	(5) ₹
053 DEPARTMENT OF SPECIAL PROGRAMME IMPLEMENTATION	Revenue	1,056,17,80,000	...	1,056,17,80,000
	Capital	...	...	...
	Loan	...	...	...
054 FORESTS (Environment, Climate Change and Forests Department)	Revenue	36,000	15,05,000	15,41,000
	Capital	17,000	...	17,000
	Loan	...	...	...
DEBT CHARGES	Revenue	...	89,000	89,000
	Capital	...	...	...
	Loan	...	...	...
PUBLIC DEBT-REPAYMENT	Revenue	...	...	...
	Capital	...	...	...
	Loan	...	6,000	6,000
Total	Revenue	26,488,82,01,000	101,26,92,000	26,590,08,93,000
	Capital	3,164,18,87,000	335,79,43,000	3,499,98,30,000
	Loan	265,24,42,000	6,000	265,24,48,000
Grand Total		29,918,25,30,000	437,06,41,000	30,355,31,71,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 205, read with clause (1) of Article 204, of the Constitution, to provide for the appropriation out of the Consolidated Fund of the State, of the moneys required to meet--

- the supplementary grants made by the Tamil Nadu Legislative Assembly for the financial year which commenced on the 1st day of April 2023; and
- the supplementary expenditure charged on the said Fund of the State for that year.

*Minister for Finance and
Human Resources Management.*

Secretariat,
Chennai-600 009,
21st February 2024.

K. SRINIVASAN,
Principal Secretary.