



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 50]

CHENNAI, WEDNESDAY, DECEMBER 22, 2010
Margazhi 7, Thiruvalluvar Aandu-2041

Part II—Section 2

Notifications or Orders of interest to a section of the public
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

COMMERCIAL TAXES AND REGISTRATION
DEPARTMENT

Notifications under Indian Stamp Act

Remission of Stamp duty chargeable in respect of the instrument of lease deed to be executed between the Alawanthar Trust maintained by Hindu Religious and Charitable Endowment Department and the Chennai Metropolitan Water Supply and Sewerage Board under the Act.

[G.O.Ms. No.202, Commercial Taxes and Registration (J1), 1st December 2010, கார்த்திகை 15, திருவள்ளூர் ஆண்டு-2041.]

No.II(2)/CTR/739/2010.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (Central Act II of 1899), the Governor of Tamil Nadu hereby remits the duty chargeable under the said Act in respect of the instrument of lease deed to be executed between the Alawanthar Trust maintained by Hindu Religious and Charitable Endowment Department and the Chennai Metropolitan Water Supply and Sewerage Board in respect of the land measuring 40.05 acres belonging to the said Trust for setting up of Sea Water Reverse Osmosis Desalination Plant at Nemmeli, South Chennai.

Remission of Stamp duty chargeable in respect of the instrument of sale of land registered at Sub-Registrar Office, Adyar and executed by the Tamil Nadu Small Industries Corporation Limited in favour of the Tamil Nadu Co-operation Sugar Federation under the Act.

[G.O.Ms. No.203, Commercial Taxes and Registration (J1), 3rd December 2010, கார்த்திகை 17, திருவள்ளூர் ஆண்டு-2041.]

No.II(2)/CTR/740/2010.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (Central Act II of 1899), the Governor of Tamil Nadu hereby remits the duty chargeable under the said Act amounting to Rs.1,04,48,852/- (Rupees one crore four lakhs forty eight thousand eight hundred and fifty two only) in respect of the instrument of sale of land registered as Document Number 1215/99 at Sub-Registrar Office, Adyar and executed by the Tamil Nadu Small Industries Corporation Limited in favour of the Tamil Nadu Co-operative Sugar Federation for construction of Sugar Complex.

MD. NASIMUDDIN,
Secretary to Government.

ENVIRONMENT AND FORESTS DEPARTMENT

Formation of Melaselvanoor-Keelaselvanoor Birds Sanctuary under Wild Life (Protection) Act.

[G.O.Ms. No.206, Environment and Forests (FR.5), 1st December 2010.]

No.II(2)/EF/741/2010.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 26-A of the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972), the Governor of Tamil Nadu hereby declares that the area, the

boundaries of which are specified in the Schedule below, shall be a Sanctuary on and from 1st December 2010.

THE SCHEDULE

1. Name of the District : Ramanathapuram
2. Name of the Taluk : Kadaladi
3. Number and Name of the Villages : 30. Melaselvanoor
31. Keelaselvanoor.
4. Area of the Sanctuary : 593.08 hectares
5. Name of the Sanctuary : Melaselvanoor and Keelaselvanoor Birds Sanctuary

Boundaries:

North: Starting from Bijunction of Village No.24 of Meenangudi and Village No.23 of Orivayal Village and run towards east along the southern side of S.F.Nos. 107, 97, 94, 81,80, 79, 78 and 198 of Village No.23 Orivayal Village.

East: Then the boundary runs generally towards south and along the western side of S.F.Nos.66,67,70,71,75, 89,90,91,121,122,123 and 127 of Village No.31 Keelaselvanoor Village.

South: Then the boundary runs towards west along with northern side of S.F.Nos.202, 200, 176, 175, 135, 134, 133, 132 and 130 of Village No. 31 Keelaselvanoor Village and northern side of S.F.Nos. 134, 133 and 126 of Village No.30 Melaselvanoor Village.

West: Then the boundary runs generally towards north along the eastern side of S.F Nos.125, 45, 44, 43, 28, 27, 18, 17, 13, 12, 11, 8 and 7 of S.F.Nos. 6 and 2 of Village No.30 Melaselvanoor Village and along the eastern side Village No.24 of Meenangudi Village boundary and joins the starting point.

V. IRAI ANBU,
Secretary to Government.

HOUSING AND URBAN DEVELOPMENT
DEPARTMENT.

Exemption to the Construction of Multi Storied Buildings in the Approved Layout of Tamil Nadu Housing Board for 126 Tamil Nadu Government Servants Rental Housing Scheme at Anna Nagar West Extension, Chennai under the Tamil Nadu Town and Country Planning Act.

[G.O. Ms. No. 285, Housing and Urban Development [HB5 (2)], 7th December 2010.]

No. II(2)/HOU/742/2010.—In exercise of the powers conferred by Section 113 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972), the Governor

of Tamil Nadu hereby exempts the land in the Approved Layout of the Tamil Nadu Housing Board for 126 Tamil Nadu Government Servants Rental Housing Scheme, at Anna Nagar West Extension, Chennai from the provisions of sub-clause (i) of clause (a) of sub-regulation (1) of regulation 24 of the Development Regulations for Chennai Metropolitan Area in the Second Master Plan for Chennai Metropolitan Area, 2026 for the construction of Multi Storied Buildings in the said land by the Tamil Nadu Housing Board.

ASHOK DONGRE,
Secretary to Government.

LAW DEPARTMENT

Nomination of certain person as member to the Syndicate of Tamil Nadu Dr. Ambedkar Law University under Tamil Nadu Dr. Ambedkar Law University Act.

[G.O. Ms. No. 425, Law (LU), 2nd December 2010.]

No. II(2)/LAW/743/2010.—Under item (f), under Class II-Other Members, of sub-section (2) of Section 22 of the Tamil Nadu Dr. Ambedkar Law University Act, 1996 (Tamil Nadu Act 43 of 1997), the Governor of Tamil Nadu hereby nominates Thiru R.S. Bharathi, Advocate, No. 18, 29th Street, Thillai Ganga Nagar, Chennai-600 061 as a member of the Syndicate of the Tamil Nadu Dr. Ambedkar Law University, Chennai, for a period of three years from the date of this Order.

S. DHEENADHAYALAN,
Secretary to Government.

LABOUR AND EMPLOYMENT DEPARTMENT

Notifications under Employees' Provident-Funds and Miscellaneous Provisions Act.

Exemption in respect of Messers Technip India Limited (TN/49115), from the operation of the Scheme under the Act.

[G.O. Ms. No. 206, Labour and Employment (M1),
4th October 2010.]

No. II(2)/LE/744/2010.—Whereas, M/s Technip India Limited (TN/49115) (hereinafter referred to as 'the said establishment') has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act 19 of 1952) (hereinafter referred to as 'the said Act').

2. And Whereas in the opinion of the Government of Tamil Nadu, the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said a Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereafter referred to as "the said Scheme") in relation to the employees in any other establishment of a similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto, the Governor of Tamil Nadu, after consultation with the Central Board, hereby exempts the said establishment from the operation of the provisions of the said scheme, except the provisions of paragraphs 32A, 32B, 79A and 79C with effect on and from the 1st July 2000.

SCHEDULE.

1. The employer shall establish a Board of Trustees under his Chairmanship for the management of the Provident Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time. The Provident Fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation, *inter-alia*, for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody. For this purpose, the "employer" shall mean.

(i) In relation to all establishment, which is a factory, the owner or occupier of the factory; and

(ii) In relation to any other establishment, the person who, or the authority, that has the ultimate control over the affairs of the establishment.

2. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner (CPFC) or an officer authorized by him.

3. All employees as defined in Section 2(f) of the said Act, who have been eligible to become members of the Provident Fund, had the establishment not been (granted) exemption, shall be enrolled as members.

4. Where an employees who is already a member of Employees' Provident Fund or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited into his account.

5. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees at the rate prescribed under the Act from time to time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of Section 7Q of the said Act for any delay in payment of any dues towards the Board of Trustees.

6. The employer shall bear all the expenses of the administration of the Provident fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up to the statutory limit.

8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the provident fund rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the said Act and the said Scheme framed there under.

10. Any amendment to the said Scheme, which more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Trust.

11. No amendment in the rules shall be made by employer, without the prior approval of the Regional Provident Fund Commissioner ("hereafter referred to as RPFC"). The RPFC shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

12. All claims for withdrawals, advances and transfers should be settled expeditiously within the maximum time frame prescribed by the Employees' Provident Fund Organisation.

13. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when directed by the Central Provident Fund Commissioner/Regional Provident Fund Commissioner.

14. The Board of Trustees shall issue an annual statement or accounts or pass books to every employee within six months of the close of financial/accounting year free of cost once in the year. Additional print outs can be made available as and when the members want, subject to nominal charges. In case of passbook, the same shall remain in custody of employee to be updated periodically by the Trustees when presented to them.

15. The employer shall make necessary provisions to enable all the members to be able to see their account balance from the computer terminals as and when required by them.

16. The Board of Trustees and employer shall file such returns monthly/annually, as may be prescribed by the Employees' Provident Fund Organisation within the specified time-limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organisation.

17. The Board of Trustees shall invest the monies of the Provident fund as per the directions of Government from time to time. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialized (DEMAT) form and in case the required facility is not available in the areas where the trust operates, the Board of Trustees shall inform the Regional Provident Fund Commissioner concerned about the same.

(b) The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest.

(c) The DEMAT account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the instructions issued by the Central Government in this regard.

(d) The cost of maintaining DEMAT account should be treated as Incidental Cost of investment by the Trust. Also all types of cost of investments like brokerage of purchase of securities etc. shall be treated as Incidental cost of investment by the Trust.

19. All such investments made, like purchase of securities and bonds, should be lodged in the safe custody of depository participants, approved by Reserve Bank of India and Central Government, who shall be the custodian of the same. On closure of establishment or liquidation or cancellation of exemption from Employees Provident Fund Scheme, 1952, such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the Regional Provident Fund Commissioner concerned directly on receipt of request from the Regional Provident Fund Commissioner concerned to that effect.

20. The exempted establishment shall intimate to the Regional Provident Fund Commissioner concerned the details of depository participants (approved by the Reserve Bank of India and Central Government), with whom and in whose safe custody, the investments made in the name of trust, viz., investments made in securities, bonds, etc., have been lodged. However, the Board of Trustees may raise such sum or sums of money as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer or member's Provident Fund accumulations in the event of his/her leaving service of the employer and any other receipts of sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the Regional Provident Fund Commissioner.

21. Any Commission, incentive, bonus, or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its account.

22. The employer and the members of the Board of Trustees, at the time of grant of exemption, shall furnish a written undertaking to the Regional Provident Fund Commissioner in such format as may be prescribed from time to time, *inter-alia*, agreeing to abide by the conditions

which are specified and this shall be legally binding on the employer and the Board of Trustees, including their successors and assignees, or such conditions as may be specified later for continuation of exemption.

23. The employer and the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of exemption. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary, the Central Provident Fund Commissioner or the Regional Provident Fund Commissioner in-charge of the region shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report along with the audited balance sheet should be submitted to the RPFC concerned by the Auditor directly within six months after the closing of the financial year from 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be as prescribed by the Employees' Provident Fund Organisation and made available with the Regional Provident Fund Commissioner Office in electronic format as well as a signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than two years in block of six years.

25. A company reporting loss for three consecutive financial years or erosion in their capital base shall have their exemption withdrawn from the first day of the next/succeeding financial year.

26. The employer in relation to the exempted establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of the said Act within 15 days from the close of every month.

27. In the event of any violation of the conditions for grant of exemption, by the employers or the Board of Trustees, the exemption granted may be cancelled after issuing a show cause notice in this regard to the concerned persons.

28. In the event of any loss to the Trust as a result of any fraud, defalcation, wrong investment decisions, etc., the employer shall be liable to make good the loss.

29. In case of any change of legal status of the establishment, which, has been granted exemption, as a result of merger, demerger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owner or not, etc., the exemption granted shall stand revoked and the establishment should promptly report the matter to the Regional Provident Fund Commissioner concerned for grant of fresh exemption.

30. In case, there are more than one unit/establishment participating in the common Provident Fund Trust which has been granted exemption, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the Regional Provident Fund Commissioner shall take suitable legal action against all the trustees of the common Provident Fund Trust.

31. The State Government may lay down any further conditions for continuation of exemption of the establishments.

Exemption in respect of Messers Faiveley Transport India Limited, Hosur from the operation of the Scheme under the Act.

*[G.O.Ms. No. 207, Labour and Employment (M1),
4th October 2010.]*

No.II(2)/LE/745/2010.—Whereas, Messrs Faiveley Transport India Limited (TN/SL/28082), Hosur (hereinafter referred to as 'the said establishment') has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act 19 of 1952) (hereinafter referred to as 'the said Act').

2. And whereas, in the opinion of the Government of Tamil Nadu, the rules of the Provident Funds of the said establishment with respect to the rates of contribution are not less favorable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as "the said Scheme") in relation to the employees in any other establishment of a similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Governor of Tamil Nadu, after consultation with the Central Board, hereby exempts the said establishment from the operation of the provisions of the said Scheme, except the provisions of paragraphs 32A, 32B, 79A and 79C of the said Scheme with effect on and from the 1st September, 1993.

THE SCHEDULE

1. The employer shall establish a Board of Trustees under his Chairmanship for the Management of the Provident Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time. The Provident Fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation, *inter-alia*, for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody. For this purpose, the "employer" shall mean-

(i) In relation to all establishment, which is a factory, the owner or occupier of the factory; and

(ii) In relation to any other establishment, the person who, or the authority, that has the ultimate control over the affairs of the establishment.

2. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner (CPFC) or an officer authorised by him.

3. All employees, as defined in clause (f) of Section 2 of the said Act, who would have been eligible to become members of the Provident Fund, had the establishment not been granted exemption shall be enrolled as members.

4. Where an employee who is already a member of Employees' Provident Fund or a provident fund of any other exempted establishment is employed in his establishment, the employer shall immediately enroll him as a member of the fund. The employer should also arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited into his account.

5. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and employees at the rate prescribed under the Act from time to time by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay simple interest in terms of the provisions of Section 7Q of the said Act for any delay in payment of any dues towards the Board of Trustees.

6. The employer shall bear all the expenses of the administration of the Provident Fund and also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

7. Any deficiency in the interest declared by the Board of Trustees is to be made good by the employer to bring it up to the statutory limit.

8. The employer shall display on the notice board of the establishment, a copy of the rules of the funds as approved by the appropriate authority and as and when amended thereto along with a translation in the language of the majority of the employees.

9. The rate of contributions payable, the conditions and quantum of advances and other matters laid down under the Provident Fund Rules of the establishment and the interest credited to the account of each member, calculated on the monthly running balance of the member and declared by the Board of Trustees shall not be lower than those declared by the Central Government under the various provisions prescribed in the said Act and the said Scheme framed there under.

10. Any amendment to the said Scheme, which more beneficial to the employees than the existing rules of the establishment, shall be made applicable to them automatically pending formal amendment of the Rules of the Provident Fund of the said establishment (hereinafter called "The Rules") of the Trust.

11. No amendment to the Rules shall be made by employer, without the prior approval of the Regional Provident Fund Commissioner ("hereafter referred to as RPFC"). The RPFC shall before giving his approval give a reasonable opportunity to the employees to explain their point of view.

12. All claims for withdrawals, advances and transfers should be settled expeditiously within the maximum time frame prescribed by the Employees' Provident Fund Organisation.

13. The Board of Trustees shall maintain detailed account to show the contributions credited, withdrawal and interest in respect of each employee. The maintenance of such records should preferably be done electronically. The establishments should periodically transmit the details of members' accounts electronically as and when directed by the Central Provident Fund Commissioner/RPFC.

14. The Board of Trustees shall issue an annual statement of accounts or pass books to every employee within six months of the close of financial/accounting year free of cost once in the year. Additional print outs can be made available as and when the members want, subject to nominal charges. In case of pass book, the same shall remain in custody of employee to be updated periodically by the Trustees when presented to them.

15. The employer shall make necessary provisions to enable all the members to be able to see their account balance from the computer terminals as and when required by them.

16. The Board of Trustees and employer shall file such returns monthly/annually, as may be prescribed by the Employees' Provident Fund Organisation within the specified time-limit, failing which it will be deemed as a default and the Board of Trustees and employer will jointly and separately be liable for suitable penal action by the Employees' Provident Fund Organisation.

17. The Board of Trustees shall invest the monies of the Provident fund as per the directions of Government from time to time. Failure to make investments as per directions of the Government shall make the Board of Trustees separately and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

18. (a) The securities shall be obtained in the name of Trust. The securities so obtained should be in dematerialised (Demat) form and in case the required facility is not available in the areas where the trust operates, the Board of Trustees shall inform the RPFC concerned about the same.

(b) The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest.

(c) The Demat account should be opened through depository participants approved by Reserve Bank of India and Central Government in accordance with the instructions issued by the Central Government in this regard.

(d) The cost of maintaining Demat account should be treated as Incidental Cost of investment by the Trust. Also all types of cost of investment like brokerage of purchase of securities, etc. shall be treated as Incidental Cost of investment by the Trust.

19. All such investments made, like purchase of securities and bonds, should be lodged in the safe custody of depository participants, approve by Reserve Bank of India and Central Government, who shall be the custodian of the same. On closure of establishment of liquidation or cancellation of exemption from the said Scheme, such custodian shall transfer the investment obtained in the name of the Trust and standing in its credit to the RPFC concerned directly on receipt of request from the RPFC concerned to that effect.

20. The exempted establishment shall intimate to the RPFC concerned the details of depository participants (approved by the Reserve Bank of India and Central Government), with whom and in whose safe custody, the investments made in the name of trust, viz., investments made in securities, bonds, etc. have been lodged. However, the Board of Trustees may raise such sum or sums of money as may be required for meeting obligatory expenses such as settlement of claims, grant of advances as per rules and transfer or member's Provident Fund accumulations in the event of his/her leaving service of the employer and any other receipt of sale of the securities or other investments standing in the name of the Fund subject to the prior approval of the RPFC.

21. Any commission, incentive, bonus, or other pecuniary rewards given by any financial or other institutions for the investments made by the Trust should be credited to its account.

22. The employer and the members of the Board of Trustees, at the time of grant of exemption, shall furnish a written undertaking to the RPFC in such format as may be prescribed from time to time, *inter-alia*, agreeing to abide by the conditions which are specified and this shall be legally binding on the employer and the Board of Trustees, including their successors and assignees, or such conditions as may be specified later for continuation of exemption.

23. The employer and the Board of Trustees shall also give an undertaking to transfer the funds promptly within the time limit prescribed by the concerned RPFC in the event of cancellation of exemption. This shall be legally binding on them and will make them liable for prosecution in the event of any delay in the transfer of funds.

24. (a) The account of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent chartered accountant annually. Where considered necessary, the Central Provident Fund Commissioner or the RPFC in-charge of the region shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

(b) A copy of the Auditor's report along with the audited balance sheet should be submitted to the RPFC concerned by the Auditor directly within six months after the closing of the financial year from the 1st April to 31st March. The format of the balance sheet and the information to be furnished in the report shall be as prescribed by the Employees' Provident Fund Organisation and made available with the Regional Provident Fund Commissioner Office in electronic format as well as a signed hard copy.

(c) The same auditors should not be appointed for two consecutive years and not more than two years in a block of six years.

25. A company reporting loss for three consecutive financial years or erosion in their capital base shall have their exemption withdrawn from the first day of the next/succeeding financial year.

26. The employer in relation to the exempted establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of Section 17 of the Act within 15 days from the close of every month.

27. In the event of any violation of the conditions for grant of exemption, by the employers or the Board of Trustees, the exemption granted may be cancelled after issuing a show cause notice in this regard to the concerned persons.

28. In the event of any loss to the Trust as a result of any fraud, defalcation, wrong investment decisions, etc., the employer shall be liable to make good the loss.

29. In case of any change of legal status of the establishment, which has been granted exemption, as a result of merger, demerger, acquisition, sale, amalgamation, formation of a subsidiary, whether wholly owned or not etc., the exemption granted shall stand revoked and the establishment should promptly report the matter to the RPFC concerned for grant of fresh exemption.

30. In case, there are more than one unit/establishment participating in the common Provident Fund Trust which has been granted exemption, all the trustees shall be jointly and separately liable/responsible for any default committed by any of the trustees/employer of any of the participating units and the RPFC shall take suitable legal action against all the trustees of the common Provident Fund Trust.

31. The State Government may lay down any further conditions for continuation of exemption of the establishments.

Constitution of Committee for fixation of Minimum Rates of Wages for Employment in Knitting Industry under Minimum Wages Act.

[G.O. Ms. No. 247, Labour and Employment (J2),
2nd December 2010.]

No.II(2)/LE/746/2010.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 5 read with Section 9 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Tamil Nadu hereby appoints a Committee consisting the following members, to hold enquiries and advise the State Government in respect of fixation of minimum rates of wages for the employment in Knitting Industry:—

A. Independent Persons:

- | | | |
|--|----|-----------|
| 1. Joint Commissioner of Labour,
Coimbatore. | .. | Chairman. |
| 2. Inspector of Labour, Coimbatore. | .. | Secretary |
| 3. Assistant Director,
Office of the Director of
Economics and Statistics,
Chennai-600 006. | .. | Member. |

B. Employers' Representatives:

1. Thiru P. Gopi, .. Member
Gracious Knits, 9-A, Small Industries
Development Corporation,
Industrial Estate, Harvey Road,
Tirupur-2.
2. Thiru S. Govindappan, .. Member
34, T.S.R. Layout 2nd Street,
Tirupur-641 607.
3. Thiru V. Palanisamy, .. Member
Rani Tex, 22, Asha Nagar,
3rd Street, Tirupur-641 603.
4. Thiru M. Suriyakumaran, .. Member
No. 6, Second Cross Street,
Revathypuram, Urappakkam-603 202.

C. Employees' Representatives:

1. Thiru M. Chandran, .. Centre of Indian Trade
447, Avinasi Road, Unions.
Tirupur-2.
2. Thiru A. Sivasami, .. Indian National Trade
Indra Bhavan, Union Congress.
109, P.N. Road, Tirupur.
3. Thiru C. Palanisamy, .. Tamil Nadu All India
502, P.N. Road, Trade Union Congress.
Tirupur-641 602.
4. Thiru K. Ramakrishnan, .. Labour Progressive
79, Pavendar Front.
Bharadhidasan Nagar,
Gandhi Nagar (Post),
Tirupur-641 603.

Application of Payment of Wages Act to Scheduled Employment is under the Minimum Wages Act.

[G.O. Ms. No. 186, Labour and Employment (J1),
17th September 2010.]

No.II(2)/LE/747/2010.—In exercise of the powers conferred by sub-section (1) of Section 22 F of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Tamil Nadu hereby directs that all the provisions of the Payment of Wages Act, 1936 (Central Act IV of 1936) shall apply to wages payable to employees in the scheduled employments specified in the Schedule to the said Minimum Wages Act, 1948 (Central Act XI of 1948) for which the State Government is the appropriate Government.

T. PRABHAKARA RAO,
Principal Secretary to Government.

Disputes between the Workmen and Managements referred to Labour Courts for Adjudication.**பென்னர் இந்தியா லிமிடெட், மதுரை.**

[அரசாணை (டி) எண் 609, தொழிலாளர் மற்றும் வேலைவாய்ப்பு (சி)த் துறை, 30 நவம்பர் 2010.]

No.II(2)/LE/748/2010.—இந்த ஆணையின் இணைப்பில் குறிப்பிட்டுள்ள பொருள் தொடர்பாக பென்னர் இந்தியா லிமிடெட், மதுரை என்ற நிர்வாகத்துக்கும் மதுரை பென்னர் (இந்தியா) தொழிலாளர் சங்கத்துக்குமிடையே தொழிற் தகராறு எழுந்துள்ளது என்று அரசு கருதுவதாலும்;

மேற்சொன்ன தகராறை நீதிமன்றத் தீர்ப்புக்காக அனுப்புவது அவசியமென்று தமிழ்நாடு ஆளுநர் அவர்கள் கருதுவதாலும்;

எனவே, 1947ஆம் ஆண்டு தொழில் தகராறுகள் சட்டத்தின் (மத்திய சட்டம் XIV/1947) 10(1) (c) பிரிவிலும், 10(1) (d) பிரிவின் வரம்பு நிபந்தனையிலும் வழங்கியுள்ள அதிகாரங்களைக் கொண்டு தமிழ்நாடு ஆளுநர் அவர்கள் மேற்சொன்ன தகராறு, மதுரை தொழிலாளர் நீதிமன்றத் தீர்ப்புக்காக அனுப்பப்பட வேண்டும் என்று இதனால் ஆணையிடப்படுகிறது.

மேலும், 1947ஆம் ஆண்டு தொழிற் தகராறுகள் சட்டத்தின் 10(2A) பிரிவின் கீழ், இந்த ஆணையைப் பெற்றுக்கொண்ட நாளிலிருந்து மூன்று மாதங்களுக்குள் தீர்ப்பு அளிக்குமாறு மதுரை தொழிலாளர் நீதிமன்றத்தை கேட்டுக்கொள்ளப்படுகிறது.

இணைப்பு**எழுவினா**

இன்றைய விலைவாசிக்கு ஏற்ற வகையில் அகவிலைப்படியினை கணக்கீடு செய்வதற்கான புள்ளிகள் திருத்தம் செய்யப்படுவதற்கான புதிய ஒப்பந்தம் ஏற்படுத்தப்பட வேண்டும் என்ற தொழிற்சங்கத்தின் கோரிக்கை நியாயமானதா?

ஆம் எனில், உரிய உத்தரவுகள் பிறப்பிக்க.

ச. ஆறுமுகம்,

அரசு கூடுதல் செயலாளர்.

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT**Investiture of powers to the Inspector of Police of the Directorate of Vigilance and Anti-Corruption under Prevention of Corruption Act.**

[G.O. Ms. No.155, Personnel and Administrative Reforms (N),
26th October 2010. ஐப்பசி 9, திருவள்ளூர் ஆண்டு - 2041.]

No.II(2)/PLAR/749/2010.—Under the first proviso to Section 17 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and in supersession of the Personnel and Administrative Reforms Department Notification No.II (2)/PLAR/259/2003 Published at page 155 of Part II-Section 2 of the Tamil Nadu Government Gazette, dated the 9th April 2003, the Governor of Tamil Nadu hereby authorises the Inspectors of Police of the Directorate of Vigilance and Anti-Corruption, Chennai, to exercise the powers of investigation and arrest specified in the said proviso, but excluding the power to arrest without a warrant, any officer belonging to Group 'A' and 'B' in the grade pay of above Rs.4,700/- per month.

S. MALATHI,
Chief Secretary.